

From: Melissa <melissa@pandollc.net>
Sent: Friday, August 23, 2013 2:53 PM
To: Marialie Martinez; Christina Pignatelli; Jim Pignatelli
Cc: Murray, Catherine A.
Subject: Re: Informal Complaint Status Filed August 7, 2013

Maria,

Thank you so much for your response. We have had an opportunity to review the Company's response as well.

We will be filing a formal complaint with the Utah Public Service Commission. To the extent that the MSA and the Company tariff are consistent across the service areas Integra serves, we will be filing with those other ten state Commissions as well.

In addition to being riddled with factual inaccuracies, the Company's response is legally insufficient. It is our position that the language of the MSA and tariff: (1) were never provided to us – a fine print reference at the bottom of an agreement purporting to be the "Services Agreement" is insufficient; (2) are not available on the Company's website; and (3) are so unduly broad as to be legally unconscionable. A company simply cannot contract away all liability in an intentionally concealed and unavailable "Master Services Agreement" where a customer has no bargaining power.

Pignatelli & O'Brien believes that the Commissions (for the avoidance of doubt PUBLIC service commissions) that regulate Integra should have the information as to how the Company is applying this inequitable and overly broad provision. It is likely that there are several other provisions in the MSA and tariff that Commission may want to review to ensure that customers are being treated fairly. If we cannot gain relief from the state commission process, we are prepared to file in court. We simply do not believe that the provisions in the MSA or tariff pass legal muster.

It is truly unfortunate that Integra has such little respect for a nearly five year customer that has never been late on paying a bill. We are a small business and the nearly \$15,000 is unpalatable. We had hoped that this matter could be resolved between the Company and the customer. Having said that, we appreciate your help and we will proceed to the next step on our end.

Cathy, this email serves as notice to Integra that we intend to start by filing with each state commission. Whether or not we have standing in states other than Utah is immaterial. We believe that the PUBLIC service commissions have an interest in protecting the customers in their service territories.

Sincerely,
Melissa Pignatelli O'Brien and Christina Pignatelli

On 8/23/13 12:42 PM, "Marialie Martinez" <marmartinez@utah.gov> wrote:

August 23, 2013

Dear Melissa and Christina,

I'm writing to let you know that Integra Telecom has responded to your Informal Complaint filed August 7, 2013.

Unfortunately, based on my review of the company's response, the company tariff, Master Service Agreement, and the UT Public Service Commission (PSC) Rules and Regulations, the company (Integra) is not in violation. Your Informal Complaint with the Division of Public Utilities (DPU) is now closed. For your review, attached are the Informal Complaint Report, Integra Tariff pages, and Master Service Agreement.

Should you wish to seek further resolution if not satisfied with the result of this Informal Complaint investigation, you may file a Formal Complaint with the UT Public Service Commission (PSC). For your convenience, attached is the PSC Formal Complaint Process and Form. Please review them thoroughly and file your complaint to the PSC accordingly.

Sincerely,

Maria