

**FORMAL COMPLAINT FORM
PUBLIC SERVICE COMMISSION
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114**

1. Name of Complainant: Pam Leatherbury
Address: 2200 E Marie Ave
Telephone No.: 801 486-6225

If represented by counsel, list:

Name: _____

Address: _____

Telephone No.: _____

2. The utility being complained against is: CenturyLink

3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper?
Include exact dates, times, locations and persons involved, as closely as you can.

see attached

4. Why do you (the Complainant) think these activities are illegal, unjust or improper?

Because everything I was quoted was incorrect

5. What relief does the Complainant request? I want my 2 lines

with concession. And all fees since July credited back.

6. Signature of Complainant Pam Leatherbury

Date: 12-21-2015

In July 2015 I had internet installed. I am a former employee with over 30 years service so I have 2 free lines. The rep offered me \$24.99 internet. She said she would waive the installation service. She did not mention my free lines. On July 21, 2015 I had a withdrawal from my checking for 152.99. I called Century Link was transferred 8 times I was on the phone for 1 hr 40 mins and nothing was resolved. I called the next two days and was told that when you order internet they take concession off 1 of your lines. On 8-11 I filed an Informal complaint. On 8-19 I spoke with Mariale with Century Link. She explained to me what had happened. I told her she could disc the Internet on 8-24. I had Comcast internet installed on 8-21. I left her a voicemail to disc my internet. She waited until 9-18 to Disc Century Link. If she would have disconnected my internet & issued the credit on my internet & home phone line my bill would have been \$3 or \$4 for tax on my phone lines instead I had paid 152.99 on 7-21, 71.68 on 8-20, 71.74 on 9-22 & 71.68 on 10-9. On Sept 2015 I was billed 178.00. Then in December

I paid
\$100 11-21

I got a bill for \$400? I went to the bank & stopped all payments to century link. Because of that they took concession off both of my lines. I am on social security disability and can not afford to pay this. My last bill had \$200.00 for internet. I only had internet for 2 weeks.

If action would have been taken in a timely manner, my phone bill in Aug - Nov would be \$3.00 or \$4.00 a month.

Century link is going to discontinue my service because I refuse to pay any more money and they will not work with me at all.

Pam Leatherbury
801 259-0972
2200 E Marie Av
SLC, Utah 84109
pleatherbury@hotmail.com

Informal Complaint Report

Index Number: 5746 **Company Name:** CenturyLink

CUSTOMER INFORMATION

Customer Name: Leatherbury, Pam **Account Number:**
Other Contact Info: **Phone Number:** (801) 486-6225
Customer Address: **Other Phone:**
Customer Address: 2200 E Marie Avenue **Email Address:** pleatherbury@hotmail.com
City: Salt Lake City **State:** UT **Zip Code:** 84109

COMPLAINT INFORMATION

Type of Call: Complaint **Complaint Type:** Billing Problems
Date Received: 8/11/2015 **Date Resolved:** 10/2/2015
Complaint Received By: Maria Martinez **DPU Analyst Assigned:** 0
Utility Company Analyst: Tressa Norris
Company at Fault: **Actual Slamming Case:** **Actual Cramming Case:**

Complaint Description:

Pam states that she retired from Qwest after 30 years of service which enabled her to receive two free landlines. She ordered to have internet installed and was quoted that her internet will be discounted as well as waived installation fee of \$50. When she received her statement, the total amount is way more than what she was quoted for plus she was charged for the installation.

Pam called CenturyLink yesterday to try and resolve her billing issues. She was on the phone for 1.40 hours and was transferred to 8 different people. She explained that she should not have been charged on her two phone lines. She was told by the representatives that she cannot get two free phone lines and discounted internet. Pam adds that she was never told when she ordered the internet that her concessions would be taken away.

Pam would like CenturyLink to resolve this complaint by refunding her the 3 months' worth of phone service on her two lines that should have been free. She also want CenturyLink to honor the amount that was quoted to her when she ordered for the internet as well as the installation fee that was supposed to be waived. She feels that she was misled.

Complaint Response:

8-19-2015
Marialie,

I spoke with the customer and explained the concession program. She has decided to remove the internet from her CenturyLink account and go back to what she originally had. She requested that I wait until 08/24 to issue the order, so I will follow up with her on that date to go over everything and issue the order. I also agreed to issue a credit for her services down to the \$3.xx that she paid pre-internet due to the confusion revolving around the concession program and what it covers and doesn't.

I will update you on 08/24 with the results of that conversation.

Thanks!

The information in this response, as well as any attachments or Exhibits, contains confidential CenturyLink and customer information, perhaps including Customer Proprietary Network Information (CPNI), and should be treated accordingly with respect to its use and storage.

Tressa Norris
CenturyLink Customer Advocacy

Wednesday, December 16, 2015

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Informal Complaint Report

Consumer/Small Business Sales and Care
930 15th St.
Denver, CO 80202
Phone: 844.233.5584
Email: Tressa.Norris@CenturyLink.com

8-20-2015

Thanks Tressa. I will keep this complaint open until I receive your update on the final resolution.

Thanks,
Maria

8-24-2015

Maria,

I left a voicemail for Pam today and am waiting to hear back. I'll update you as soon as I do.

Thanks!

Tressa

From: Marialie Wright [mailto:marmartinez@utah.gov]
Sent: Thursday, August 27, 2015 3:39 PM
To: Norris, Tressa
Subject: Fwd: UT - Pam Leatherbury Informal Complaint - 8-11-2015

Hi Tressa, do you have any update on this complaint? Has it been resolved?

Thanks,
Maria

Norris, Tressa <Tressa.Norris@centurylink.com>
5:50 PM (16 hours ago)

to me
Hi Maria,

Pam originally left me a message asking me to wait on disconnecting her services to make sure everything was hooked up through the other company. She has since left me another voicemail advising that Comcast is working now and that I can disconnect the service. I will process the order tomorrow morning and make sure the contract is waived. I will update you with the information tomorrow.

Thanks,

Tressa

8/28/2015

Norris, Tressa <Tressa.Norris@centurylink.com>
Aug 28 (3 days ago)

to me
Hi Maria,

We ran into a little problem – but fear not, I will fix it. J

Pam had an old, grandfathered plan on her account. When I went into the system to change everything back to the way it was, it wouldn't allow me to add that old plan back on.

Luckily, a peer of mine can add those on manually. However, he was out of the office today. He's back in on Monday, the 31st, and I'm sure he will help me out. Obviously, all the charges will be back-dated, so she won't be billed for this delay.

I will update you on Monday afternoon and let you know all of the information, including order numbers. I'm sorry for the delay; I don't see packages like this very often, so I incorrectly assumed it was all good to go.

Tressa

Wednesday, December 16, 2015

Page 2 of 4

Informal Complaint Report

orris, Tressa <Tressa.Norris@centurylink.com>
3:51 PM (17 hours ago)

to me
Hi Maria,

My peer that manually writes orders is out again today- he's sick. I spoke with him earlier and he said he should be in tomorrow. I'll email you with more info tomorrow.

Tressa

9-28-2015

Hi Tressa, this complaint is still open. Have you had any more update on this? Ms. Leatherbury just left me a voicemail message regarding this complaint. I haven't called her back yet. I want to find out first what the status is on this so I can close this and suggest she files a Formal Complaint if it's not resolved.

Thanks,
Maria

9-29-2015

Hi Tressa,

I just spoke with Pam and she said that she cancelled her internet last August but on September 22nd there was a \$71.74 withdrawal on her card from CenturyLink. She added that she also never got the box that you were supposed to send her so she can mail back the modem.

Also, on the same day there was another charge on her card from CenturyLink for \$22 plus dollars. She said this should have been a \$2-\$3 per month charge with the concession.

She also mentioned that you told her she will have about \$200 plus credit. She said she does not want the credit on her account. She wants CenturyLink to credit it back on her card or send her a check.

Will you send me a last update on this account please so I can close it. I did mention to her that she has an option to file a Formal Complaint with the Commission if this Informal is not resolved or if she's not satisfied.

Thanks,
Maria

9-29-2015

Hi Maria,

I was under the impression that this was resolved. I sent out a couple of emails this morning, as soon as I got this from you. I will update you with more this afternoon. I'll also give Pam a call.

Thanks,

Tressa

9-29-2015 @ 6:20pm

Maria,

I spoke with Pam and there seems to be a bit of confusion regarding what we discussed. We do not send out boxes for the modem return, we send out UPS return labels. She states she never received the label I mailed her, so I placed another one in the mail for her today. I dropped this in the mailbox myself.

In regards to charges, yes, she was billed for internet again due to the delay in the ordering. We had to add a really old, grandfathered package onto her account and that took time due to overrides. The account is correct, but it did take some time to get there. I did explain to her previously that those orders take time to go through.

Her account currently has a credit on it of \$350. I have sent another email to Accounting to see if a refund check can be mailed. There isn't a way to refund it back to her bank account and she doesn't want it to sit on her account. Hopefully, we can issue a refund check on a live account. I will update both of you tomorrow.

Thanks,

Informal Complaint Report

The information in this response, as well as any attachments or Exhibits, contains confidential CenturyLink and customer information, perhaps including Customer Proprietary Network Information (CPNI), and should be treated accordingly with respect to its use and storage.

Tressa Norris
CenturyLink Customer Advocacy
Consumer/Small Business Sales and Care
930 15th St.
Denver, CO 80202
Phone: 844.233.5584
Email: Tressa.Norris@CenturyLink.com

9-30-2015

Hi Tressa, thanks for the update. I don't think this complaint will ever be resolved unless she receives her money back. \$350 dollars is not a small amount, especially to someone who is retired and is on budget. I hope CenturyLink will send her money back.

Thanks,
Maria

9-30-2015

Hi Maria,

Oh yes, I totally understand. If it's possible, it will happen. I can promise you that.

Tressa

9-30-2015

Maria,

I'm still waiting to back on this. I left a voicemail for the customer advising of this. I'll update you asap.

Thanks,

Tressa

10-2-2015

Hi Maria,

We were able to issue a refund check to the customer. She will receive it in 10-14 business days.

Thanks,

Tressa

10-5-2015

Sounds good. Thanks for the update. This complaint is now closed.

Thanks,
Maria

11-17-2015

Today, I received a call from Pam again. I read her the email correspondences between CenturyLink and I. She states that she did receive the refund check but CenturyLink never gave her back her phone line concession. I advised Pam to file a Formal Complaint and emailed her the form.

Maria

Additional Information:



GARY HERBERT.
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THOMAS BRADY
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

MEMORANDUM

TO: All Parties Seeking Further Resolution After Exhausting the Informal Complaint Process.

FROM: The Division of Public Utilities

As a consumer / complainant that has filed an informal complaint against a utility and remain dissatisfied with the utility's response, the Division of Public Utilities is obligated to advise the complaining party to consider alternatives to seek further remedy and resolution, through mediation or a formal proceeding before a hearing officer of the Commission.

Pursuant to Public Service Commission Administrative Rules R746-200-7 and R746-240-7, (see rules on reverse side) the Division extends the offer to the parties to mediate the dispute in seeking a satisfactory remedy.

THE MEDIATION PROCESS

Mediation is a process that is less formal than litigation. It is a good faith exercise wherein the parties to a conflict come together and attempt to find a mutually acceptable or satisfactory solution to a dispute or conflict. This is accomplished **with the assistance of a third party neutral or mediator** and of course the willingness of the parties. A mediator is not a judge. The mediator has no authority and should have no preconceived biases. The mediator shall not favor one party over another; he or she does not take sides or make assumptions, and draws no conclusions. The process establishes no right or wrong and does not establish blame or fault.

The parties' good faith participation is entirely and strictly voluntary. If resolution or settlement is reached it is because of the parties 'good faith' efforts and compromises. A contractual agreement as a result of settlement efforts is usually drafted listing the details and specifics but will be binding only to the extent of all parties good faith and determination.

The mediator, assigned by the Division shall regard all discussion, measures, procedures, and processes in the mediation process as strictly confidential and shall be maintained that way. Confidentiality by the conflicting parties is self-mandated. The mediators' notes and records will be destroyed at the conclusion of the process, regardless of whether or not a satisfactory resolution or agreement is reached. Mediators are protected by the law; they cannot be deposed, subpoenaed, or ordered to testify, for any reason, at any time, for either party for any matter related to the proceeding.

Any of the parties, including the mediator, has the right to abandon the process at any time for any reason. Participation in mediation does not compromise the complainant's right to request a formal review of the dispute by the Commission in the event the mediation process is unsuccessful.

The mediator has no rules; the agenda belongs to the parties.

After reviewing the above mediation process, if you would like to try the mediation approach to dispute resolution please contact the Division at (801) 530-7622 with your request. The Division will then contact the other party advising them of your request to mediate the dispute and attempt to establish a time that is convenient to all parties. The Division may request additional information from the parties and conduct a review of the facts prior to the scheduled mediation date and time.

Please keep in mind that disputed issues and items that can be mediated are only those subject to the Commission's jurisdiction and covered by State Statute, or Rule, or those covered by the utility's tariff or price list. Also, monetary damages for harm suffered due to a utility's action or inaction cannot be considered in the conflict or dispute, nor will any consideration for the utility to provide service for free be entertained.

R746-200-8. Informal Review.

A. A person who is unable to resolve a dispute with the utility concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the utility that an informal complaint has been filed. Absent unusual circumstances, the utility shall attempt to resolve the complaint within five business days. In no circumstances shall the utility fail to respond to the informal complaint within five business days. The response shall advise the complainant and the Division employee regarding the results of the utility's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution. The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted a proposed solution or otherwise completely resolved the complaint with the utility, the complaint shall be presumed to be unresolved.

B. Mediation - If the utility or the complainant determines that they cannot resolve the dispute by themselves, either of them may request that the Division attempt to mediate the dispute. When a mediation request is made, the Division employee shall inform the other party within five business days of the mediation request. The other party shall either accept or reject the mediation request within ten business days after the date of the mediation request, and so advise the mediation-requesting party and the Division employee. If mediation is accepted by both parties or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the dispute, considering both the customer's complaint and the utility's response, their past efforts to resolve the

dispute, and try to mediate a resolution between the complainant and the utility. Mediation efforts may continue for 30 days or until the Division employee informs the parties that the Division has determined that mediation is not likely to result in a mutually acceptable resolution, whichever is shorter.

C. Division Access to Information during Informal Review or Mediation -- The utility and the complainant shall provide documents, data or other information requested by the Division, to evaluate the complaint, within five business days of the Division's request, if reasonably possible or as expeditiously as possible, if they cannot be provided within five business days.

D. Commission Review - If the utility has proposed that the complaint be dismissed from informal review for lack of merit and the Division concurs in the disposition, if either party has rejected mediation or if mediation efforts are unsuccessful and the Division has not been able to assist the parties in reaching a mutually accepted resolution of the informal dispute, or the dispute is otherwise unresolved between the parties, the Division in all cases shall inform the complainant of the right to petition the Commission for a review of the dispute, and shall make available to the complainant a standardized complaint form with instructions approved by the Commission. The Division itself may petition the Commission for review of a dispute in any case which the Division determines appropriate. While a complainant is proceeding with an informal or a formal review or mediation by the Division or a Commission review of a dispute, no termination of service shall be permitted, if any amounts not disputed are paid when due, subject to the utility's right to terminate service pursuant to R746-200-7(F), Termination of Service Without Notice.

R746-200-9. Formal Agency Proceedings Based Upon Complaint Review.

The Commission, upon its own motion or upon the petition of any person, may initiate formal or investigative proceedings upon matters arising out of informal complaints.

R746-240-7. Review and Resolution of Disputes.

A. Informal Review - A person who is unable to resolve a dispute with a telecommunications corporation concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the telecommunications corporation that an informal complaint has been filed. Absent unusual circumstances, the telecommunications corporation shall attempt to resolve the complaint within five business days. In no circumstance shall the telecommunications corporation fail to respond to the informal complaint within five business days. The response shall advise the complainant and the Division employee regarding the results of the telecommunications corporation's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution. The telecommunications corporation shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the telecommunications corporation requests that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The telecommunications corporation shall inform the Division employee of the telecommunications corporation's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted a proposed solution or otherwise completely resolved the complaint with the telecommunications corporations, the complaint shall be presumed to be unresolved.

B. Mediation - If the telecommunications corporation or the complainant determines that they cannot resolve the dispute by themselves, either of them may request that the Division attempt to mediate the dispute. When a mediation request is made, the Division employee shall inform the other party within five business days of the mediation request. The other party shall either accept or reject the mediation request within ten business days after the date of the mediation request, and so advise the mediation requesting party and the Division employee. If mediation is accepted by both parties or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the

dispute, considering both the customer's complaint and the telecommunications corporation's response, their past efforts to resolve the dispute, and try to mediate a resolution between the complainant and the telecommunications corporation. Mediation efforts may continue for 30 days or until the Division employee informs the parties that the Division has determined that mediation is not likely to result in a mutually acceptable resolution, whichever is shorter.

C. Division Access to Information During Informal Review or Mediation--The telecommunications corporation and the complainant shall provide documents, data or other information requested by the Division, to evaluate the complaint within five business days of the Division's request, if reasonably possible or as expeditiously as possible if they cannot be provided within five business days.

D. Commission Review - If the telecommunications corporation has proposed that the complaint be dismissed from informal review for lack of merit and the Division concurs in the disposition, if either party has rejected mediation or if mediation efforts are unsuccessful and the Division has not been able to assist the parties in reaching a mutually accepted resolution of the informal dispute, or the dispute is otherwise unresolved between the parties, the Division in all cases shall inform the complainant of the right to petition the Commission for a review of the dispute, and shall make available to the complainant a standardized complaint form with instructions approved by the Commission. The Division itself may petition the Commission for review of a dispute in any case which the Division determines appropriate. While a complainant is proceeding with an informal review or mediation by the Division or a Commission review of a dispute, no termination of telecommunications service shall be permitted, if amounts not disputed are paid when due, subject to the telecommunications corporation's right to terminate service pursuant to R746-240-6(D), Termination Without Notice.

R746-240-8. Formal Agency Proceedings Based Upon Complaint Review.

The Commission, upon its own motion, the petition of the Division of Public Utilities, or any person, may initiate formal hearings or investigative proceedings upon a matter arising out of an informal complaint.

FORMAL COMPLAINT INSTRUCTIONS

PUBLIC SERVICE COMMISSION OF UTAH

The Public Service Commission Rules of Practice and Procedure, Section R746-3(A), (B), (C) & (F) require any person wishing to have a hearing before the Commission on a complaint against a utility to file the formal complaint in writing (8 ½ x 11 paper). Attached is a sample form which you may follow. The Commission will take no formal action on oral complaints.

You may either fill in the blanks on the attached form, or you may write your own complaint, but the same information must be included in your complaint. Complaints which are incomplete or illegible will be returned.

Please state your complaint in simple, straightforward, non-technical language. Decide what you want to accomplish in complaining. Do you just want to vent your frustration about high rates? Do you want your telephone fixed? Do you want to make sure you're being charged the proper rate? Be specific in stating your complaint.

The utility involved has thirty days within which to answer your complaint. Your complaint will be reviewed by the Commission to determine whether it has jurisdiction to hear your complaint. If a hearing is scheduled, the Commission will send a notice indicating the hearing date and time. All parties have the right to cross examine witnesses. As the complainant, you have the burden to prove your case.

Utility companies are represented by their lawyers. You may also have a lawyer, if you wish. If you come without your lawyer, you will be held to have given up your right to legal representation. If you fail to attend a hearing, and have not alerted the Commission, your complaint will be dismissed.

Formal complaints are the last resort in the complaint process. The Commission will not permit a customer to file a formal complaint unless it seems unlikely that a settlement can be reached through the informal process.

The State Legislature has granted the Commission limited authority over utilities regarding customer complaints. The Commission may order a utility to: a) correct service problems; and b) refund incorrect billings.

The Commission has no authority to correct property damage from maintenance operations or sales of defective telephone equipment, nor rudeness on the part of the utility representative to name three examples.

Your rights and responsibilities are contained in Utah Law (Title 54 Chapter 1) and PSC rules and regulations.

Mail or bring, your written formal complaint to: Public Service Commission, 160 East 300 South, Fourth Floor, P.O. Box 45585, Salt Lake City, Utah 84145-0585. Questions should be directed to GARY WIDERBURG at the Public Service Commission telephone 530-6716

(Please note: Complaints elevated to formal complaints and filed with the Commission are public documents and will be published on the Commission's website.)