



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:** Public Service Commission

**FROM:** Division of Public Utilities  
Chris Parker, Division Director  
Marialie Wright, Customer Service Manager  
Gwen Flores, Office Specialist II

**DATE:** March 30, 2017

**RE:** 17-052-01 - In the matter of Formal Complaint of Colleen and Richard Flinspach v. South Central Utah Telephone Association, Inc.

**Recommendation:** Schedule a hearing

**Complaint Analysis:**

On January 27, 2017, the Division of Public Utilities (Division) received and processed Mr. and Mrs. Flinspach's (Complainants) informal complaint against South Central Utah Telephone Association, Inc. (Company).

Complainants states that a storm of ice and snow on December 24, 2016 broke their telephone line coming up the canyon from Modena, causing a telephone service outage. Complainants reported the repair issue to the Company several days after the storm. The Company promised they would be added on its maintenance schedule. Two weeks had passed and no one from the Company came out to repair the damaged line.

On January 24, 2017, Complainant (Mr. Flinspach) called the Company and spoke with Mr. Duncan Reed to follow-up when the damaged line would be fixed. Mr. Reed informed Complainant that he would send his maintenance staff to fix the line. Complainant waited all day but no maintenance staff came. Complainant called Mr. Reed's cellular telephone to follow-up but was unsuccessful.

On January 25, 2017, Complainant (Mr. Flinspach) visited the Company's office and was able to speak with the maintenance staff (Weston and Roy). Complainant inquired why the damaged line was not fixed on January 24<sup>th</sup> as promised. Complainant was told that the Company had to take care of something in Enterprise. Complainant lost his temper because he felt the Company only

made empty promises to fix the damaged line. Complainants have not had any response from the Company since then, other than the Company's motion in this docket.

Complainants add that they tried to raise the damaged line from an area that was hanging too low onto the road due to their concern that the line would get damaged further by ongoing traffic. Complainants have had no telephone service for 35 days during this time.

Complainant (Mr. Flinspach) further explained the background behind their Membership Certificate, dated August 18, 1977 issued to them by the Company. According to Complainant, the Company scrapped its telephone line from Beryl to Modena in the late 1970's. Company gave Complainant the line. Complainant took down all the arms and the hardware. Complainant constructed a telephone line from Modena to their ranch using the existing power poles of Dixie-Escalante. The Company connected them to their system and sent Complainants the Membership Certificate. Complainants has been using the system and billed monthly since then.

Furthermore, the Company maintained the line to Complainants ranch for approximately 20 years until an employee of the Company started to complain about maintaining the line. Complainant adds that since he was a young man at that time, he started helping the Company with the maintenance. Complainant states that the Company has never placed one single piece of hardware on the line since then. Later on, the Company began to tell him that he was responsible in maintaining the line to the ranch. Complainant needed the line therefore he never questioned the Company. Complainant further states that he is now almost 78 years old while his wife is in her 70's and getting very difficult for them to maintain the line.

**Company Response:**

The Division did not receive a response from the Company since sending the informal complaint on January 27, 2017.

On February 3, 2017, the Division received a telephone call from Complainant (Mrs. Flinspach) inquiring about the status of their informal complaint. The Division informed Complainant that no response or further correspondence was received from the Company. Division made a follow-up call to the Company and spoke with Alan Torenson. Mr. Torenson confirmed that their office received the informal complaint and stated that Mr. Reed would respond to the complaint. However, during that time, Mr. Reed was out of the office and could expect a response by February 6, 2017. By this time, no response was received from the Company.

On February 9, 2017, Complainant (Mrs. Flinspach) contacted the Division inquiring for further updates regarding their informal complaint. The Division informed Complainant that no response was received from the Company. Due to Company's non-compliance with the Public Service Commission (Commission) rule R746-200-8 Informal Review process, the Division advised Complainant to move forward and file a formal complaint with the Commission. The Division sent Complainant the formal complaint form and advised contacting the Commission should there be further questions regarding the formal complaint process.

On February 16, 2017, a response from Company (Mr. Reed) was received. Mr. Reed apologized for the delay. Mr. Reed states:

“In regards to the complaint made by Colleen Flinspach on 1/27/2017 about the responsibility of the maintenance of the line in question. Our technicians have checked the dial tone to our D-Mark successfully on two separate occasions. The line and service to the D-Mark is the responsibility of South Central Utah Telephone. The line extending from the D-Mark to the customers premise is owned and will need to be maintained by the customer. This D-Mark is located at the beginning of the customer owned line that extends five miles from the D-Mark to their premise. Originally when the Flinspachs stopped by the office they had stated that they found where their line was broken and fixed it. Mr. Flinspach returned to say his line was hanging low and wanted to know if we could help him raise it. I told him when we had some spare time, out of consideration of his age and our kindness we could help him with it. Four days later Mr. Flinspach returned extremely upset because we had not been there to fix the line he owns. At this time, Mr. Flinspach made threats against the lives of a couple of our technicians and myself. We have notified our local Sheriff of the incident although no report was filed. Because of these threats and for the safety of our employees, we will not be working on or helping this customer with their personally owned line. If the customer does want to have their line repaired, they will need to look elsewhere for the repair. We will continue to service and maintain the connection up to the D-Mark.”

**Division Review and Recommendation:**

The Company appears to have violated rule R746-200-8 Informal Review, which in part states, “In no circumstances shall the utility fail to respond to the informal complaint within five business days.”

Furthermore, based on the Division’s review of the information provided by both parties, there is a factual dispute concerning whether the Company violated rule R746-340-5 (A) Maintenance of Plant and Equipment and (B) Customer Trouble Reports.

On August 6, 2015, Complainants filed an informal complaint with the Division over the same issue. Complainants wanted the Company to clarify what their responsibility as a customer and what the company’s responsibilities are. The Company (Mr. Reed) also responded to this complaint stating in part, “We discussed what is his and what is our responsibility. South Central will continue, as in the past, to service the D-Mark to where the wires connect to the customer owned open wire and from the end of the open wire to the home D-Mark or protector.”

Because there is a factual dispute concerning responsibility for the line, and the non-compliance with the complaint response rule stated above, the Division recommends that a hearing be scheduled.