

Informal Complaint Report

Index Number: 1530054035 **Company Name:** Strata d/b/a UBTA-UBET Communications, Inc.

CUSTOMER INFORMATION

Customer Name: Murray, Clifford **Account Number:**
Other Contact Info: **Phone Number:** (435) 724-1840
Customer Address: 2570 N. 3500 E. **Other Phone:**
Customer Address: **Email Address:** 4crystaludball@gmail.com
City: Roosevelt **State:** UT **Zip Code:** 84066

COMPLAINT INFORMATION

Type of Call: Complaint **Complaint Type:** Billing Problems
Date Received: 6/26/2018 **Date Resolved:**
Complaint Received By: Cynthia Dumas **DPU Analyst Assigned:** 0
Utility Company Analyst: Lana Berett
Company at Fault: **Actual Slamming Case:** **Actual Cramming Case:**

Complaint Description:

The following complaint was received via e-mail and has been copied and sent exactly as received.

From: DPU Web Server <utilcomp@utah.gov>
Date: Tue, Jun 26, 2018 at 4:10 PM
Subject: Online Complaint Submission
To: utilcomp@utah.gov

DPU ONLINE COMPLAINT
UTILITY CUSTOMER
FROM: Clifford Murray
CONTACT: Clifford Murray
PHONE: 435-724-1840
EMAIL: 4crystaludball@gmail.com
SERVICE ADDRESS:
2570 N. 3500 E. Roosevelt, UT 84066
MAILING ADDRESS:
2570 N. 3500 E. Roosevelt, UT 84066

INCIDENT DETAILS
UTILITY: Strata Networks
ACCOUNT NUMBER: 175679
COMPLAINT TYPE: Billing Problems

COMPLAINT:

Invoice #3287572 for \$547.75. The item being billed is listed as a transfer. Verbally Strata has stated the transfer to this joint account account of Clifford Murray and Cathy Murray is being done because a sole account of Cathy Murray has an outstanding balance. I have requested of Strata that they provide me with a statement which cites their authority to transfer the amount from a sole account to a joint account thus making me liable for the amount due on the sole account. After several back and forths Strata has apparently declined to cite their authority in writing. At this time I dispute the validity of the \$547.75 invoice.

SUGGESTED RESOLUTION: All I want to know at this point is specifically what policy, contract term, law, regulation, administrative rule or otherwise Strata is using to determine they can transfer amounts between accounts so I can begin to possess adequate information to formulate an agreement or

Informal Complaint Report

argument with Strata's assessment.

Complaint Response:

From: Lana Berrett
Date: Wed, Jun 27, 2018 at 11:05 AM
Subject: RE: UT - Murray, Clifford - 6-26-2018
To: Cynthia Dumas

Please see attachment for Strata's response.

Thanks Lana

ATTACHED LETTER

June 27 2018

STRATA NETWORKS

To Whom It May Concern]:

This response is in regards to the Informal Complaint (1530054035). As per the account information in question, below is the outlined detailed.

Clyde and Cathy Murray have an active account in both of their names with Strata Networks. This account has been established for many years. Cathy Murray also had an account in her name for many years as well. The account in Cathy's name only was disconnected for Non Payment on January 17, 2018. The remainder of the unpaid balance of \$545.47 was transferred to her other account on March 3, 2018.

Mr. Murray is inquiring about a written document to be provided stating how we have the right to transfer unpaid balances from one account to another in the account holder's name. By accepting Strata services the Murrays agree to pay for all services established in their name. This obligation is referenced under Strata's Terms and Conditions available at www.stratanetworks.com.

I hope this clarifies any question, please let us know if there is anything else we can help with.

Sincerely,
Lana Berrett
Customer Service Manager
211 E 200 N, (PO BOX 398) Roosevelt, UT 84066
PH: 435-622-5007 Fax: 435-622-0033
www.stratanetworks.com

Additional Information:

From: Cynthia Dumas
Date: Wed, Jun 27, 2018 at 2:00 PM
Subject: UT - Murray, Clifford - 6-26-2018
To: Lana Berrett

Hi Lana,

I appreciate your response and have one question I was wondering if you could point me in the right direction of where I can the information regarding payment of services?

Thank you,
Cynthia Dumas

*** Lana Baret Response to DPU/Cynthia D. e-mail ***

From: Lana Berrett
Date: Fri, Jun 29, 2018 at 8:47 AM
Subject: UT - Murray, Clifford - 6-26-2018
To: Cynthia Dumas

Hi Cynthia.

I would be glad to. Once you go onto our website, scroll down to the bottom and under the Legal section you will find our TERMS & CONDITIONS. In that section you will see the Statement of Customers Rights and Responsibilities, and also our General Terms and Conditions. Let me know if you need

Informal Complaint Report

anything else.

Thanks Lana
Lana Berrett
Sales & Service Manager
STRATA Networks
Now offering internet speeds up to 1 Gig.
O: (435) 622-5280
C: (435) 622-6280

7/2/2018 - I thanked Lana for her response and help, marked the complaint as resolved. -Cynthia D.

From: <4crystalmudball@gmail.com>
Date: Mon, Jul 9, 2018 at 4:14 PM
Subject: RE: Online Complaint Submission
To: Utility Complaints <utilcomp@utah.gov>

Hello, Strata has failed to respond within 5 business days. Is Strata required to respond or is it optional?

*** DPU's/Cynthia reply to Mr. Murray ***

From: Cynthia Dumas
Date: Tue, Jul 10, 2018 at 8:43 AM
Subject: Re: Online Complaint Submission
To: Clifford Murray

Good Morning Mr. Murray,

I hope you're having a good start to your day so far. I have asked Lana Berrett who responded to your complaint to give you a call, however, below is her contact information if you'd like to contact her.

Lana Berrett
Sales & Service Manager
STRATA Networks
Now offering internet speeds up to 1 Gig.
O: (435) 622-5280
C: (435) 622-6280

Thank you,
Cynthia Dumas

*** Mr. Murray's Reply to Cynthia/DPU ***

From: Clifford Murray
Date: Tue, Jul 10, 2018 at 8:52 AM
Subject: RE: Online Complaint Submission
To: Cynthia Dumas

Hello, Cynthia, are you saying Strata has indicated to you that they have responded in writing and it has not yet arrived in my mailbox? Cliff

*** Cynthia's Reply to Mr. Murray ***

From: Cynthia Dumas
Date: Tue, Jul 10, 2018 at 8:58 AM
Subject: Fwd: UT - Murray, Clifford - 6-26-2018
To: Clifford Murray

Mr. Murray,

Below is the response I received from Lana Berrett, I'm not sure if she sent you this letter or if you were contacted by her. I did email her yesterday to respond to you if she hadn't already, however, I haven't heard from her.

Thank you,
Cynthia Dumas
Office Specialist II
Division of Public Utilities
Office (801) 530-7622
Business hours are 8:00 a.m. - 5:00 p.m., Monday-Friday

Informal Complaint Report

*** Mr. Murray's Reply to Cynthia ***

From: Clifford Murray
Date: Tue, Jul 10, 2018 at 11:08 AM
Subject: RE: UT - Murray, Clifford - 6-26-2018
To: Cynthia Dumas

Cynthia,

When did you receive this response? I have had no verbal or written contact with Lana since filing the complaint with DPU.

I have asked for specificity. Strata's response which refers me to an 11 page Statement of Customer's Rights & Responsibilities which, in part, contains terms and conditions certainly avoids specificity.

Is Strata obligated to point to the specific term and/or condition which allows a balance transfer from a sole account to a joint account? After reading the 11 pages I am not seeing it.

Cliff

DPU's/Cynthia e-mail to Strata/Lana Berrett
From: Cynthia Dumas
Date: Mon, Jul 9, 2018 at 4:52 PM
Subject: Re: UT - Murray, Clifford - 6-26-2018
To: Lana Berrett

Good Evening Lana,

I hope all is well. I just received an email from Mr. Murray stating he never received a response from the company, can you please respond to the customer?

Thank you,
Cynthia Dumas

*** Lana's Reply to Cynthia ***

From: Lana Berrett
Date: Tue, Jul 10, 2018 at 5:05 PM
Subject: RE: UT - Murray, Clifford - 6-26-2018
To: Cynthia Dumas

Cynthia, I have forwarded our response to Mr. Clyde Murray. Sorry I was out of the office on PTO, but I have sent it to him today. Let me know if I can help with anything else.

Lana
Lana Berrett
Sales & Service Manager
STRATA Networks
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C: (435) 622-6280

*** Cythia's Reply to Lana ***

From: Cynthia Dumas
Date: Tue, Jul 10, 2018 at 5:36 PM
Subject: Re: UT - Murray, Clifford - 6-26-2018
To: Lana Berrett

Hi Lana,

I'm sure Strata will make you aware of the conversation with Mr. Murray, but just in case here are today's details.

I was contacted by Mr. Murray today regarding he had not received a response, I told him I thought he had, but that I could forward him the response I received.

Later today, I received a call from Mr. Murray (around 3) stating he read the response and had gone to the Terms and Conditions under customer responsibilities and he read no where where Strata was allowed to transfer his wife's balance to his account. I told him I read the Terms and Conditions

Informal Complaint Report

and couldn't find it either. I told him I would look in the Utah Code Title 54 Public Utilities Statutes and Public Service Commission Rules and see if there was anything in the book. We finished our conversation.

Around 4:30 Mr. Murray called be back, but this time in a conference call with two members of Strata. Mr Murray, stated I marked the complaint as resolved 7/2/2018, when he received no response from Strata. I explained, I'm a facilitator between the company and customer. I'm here to make sure the company response and is not out of jurisdiction by receiving a copy of the response, and assumed Mr. Murray had been contacted. He wanted me to mark the complaint back to unresolved, however, I responded by telling him Strata hasn't broken any Commission rules; In Utah Code Title 54 Public Utilities Statutes and Public Service Commission Rules, R746-200-4G reads,

4. While an account holder is proceeding with either informal or formal review of a dispute, no termination of service shall be permitted if amounts not disputed are paid when due.

G. Unpaid Bills - Utilities transferring unpaid bills from inactive or past accounts to active or current accounts shall follow these limitations:

1. A utility company may only transfer bills between similar classes of service, such as residential to residential, not commercial to residential.

2. Unpaid amounts for billing cycles older than four years before the time of transfer cannot be transferred to an active or current account.

3. The customer shall be provided with an explanation of the transferred amounts from earlier billing cycles and informed of the customer's ability to dispute the transferred amount.

I advised, if he was unsatisfied with the response received the next step would be to file a formal complaint with the Public Service Commission. He argued the complaint is not resolved since he never received a response. I told him again the company is not out of any jurisdiction so I can't mark the complaint as unresolved. I asked him if he would like me to send him the formal complaint instructions, which he agreed to. I will be emailing him those instructions today.

I will be out of the office until next Tuesday, so I just wanted to let you know what happened. This complaint is still marked as resolved.

Thank you,
Cynthia Dumas
Office Specialist II
Division of Public Utilities
Office (801) 530-7622
Business hours are 8:00 a.m. - 5:00 p.m., Monday-Friday

From: Cynthia Dumas
Date: Tue, Jul 10, 2018 at 5:40 PM
Subject: Fwd: UT - Murray, Clifford - 6-26-2018
To: Clifford Murray

Hi Mr. Murray,

Per our conversation on the phone, attached are the Formal Complaint instructions. If you have any questions regarding the instructions please contact the Public Service Commission at 866-772-8824.

Thank you,
Cynthia Dumas
Office Specialist II
Division of Public Utilities
Office (801) 530-7622
Business hours are 8:00 a.m. - 5:00 p.m., Monday-Friday

07/12/2018

Mr. Murray called the Division of Public Utilities to inquire why the informal complaint process was not followed. Mr. Murray doesn't believe that his informal complaint should have been closed and requested for the complaint to be reopened. I advised Mr. Murray that I would not reopen the complaint that he could continue to work with Cynthia or Maria to have the complaint reopened. Neither Cynthia were in the office today, Mr. Murray advised that he would call back.

S Liebert

From: Marialie Wright
Date: Fri, Jul 13, 2018 at 11:02 AM
Subject: RE: Clifford Murray Informal Complaint
To: Lana Berrett

Informal Complaint Report

Cc: Clifford Murray

Hi Lana,

This is Maria. I am reaching out to you regarding Mr. Murray's informal complaint.

Mr. Murray called me this morning disputing the closure of his complaint and requests that I reopen it explaining that Strata has not given him the specific policy or rules that specifies whether Strata can or is allowed to transfer a balance from a sole account to a joint account without the other party's authorization, which in this case, Mr. Murray himself.

I reviewed our complaint report and read the correspondences between you and Cynthia. (Attached is a copy of the report.) You have indicated that what Mr. Murray was requesting could be found in your website under the Legal section, and under the Terms & Conditions.

Mr. Murray indicates that the Terms & Conditions does not specify and would like Strata to provide him with the specific rule that allows Strata to transfer a balance from a sole account to a joint account.

In reviewing the complaint report, I see that Cynthia has given Mr. Murray the instructions and the form to file a formal complaint with the Public Service Commission. However, Mr. Murray argues that there was no resolution to his complaint therefore, it should not have been closed.

I am reopening the complaint per Mr. Murray's request. Would you please provide Mr. Murray a copy of Strata's policy that can explain and justify the transfer of the balance from a sole account to a joint account? As of today, this complaint is still open. Please inform us if a resolution has been reached.

Thank you,
Marialie Wright
Manager, Customer Service
Division of Public Utilities
marmartinez@utah.gov
(801) 530-6604

*** Maria's e-mail to Chris Parker ***

From: Marialie Wright
Date: Fri, Jul 13, 2018 at 11:04 AM
Subject: Fwd: Clifford Murray Informal Complaint
To: "Parker, Chris" <chrisparker@utah.gov>
Cc: Cynthia Dumas

Hi Chris,

I blind copied you on this just to give you a heads up that you will most likely hear from this Mr. Murray. He asked for your number.

Thanks,
Maria

From: Cynthia Dumas
Date: Tue, Jul 17, 2018 at 11:49 AM
Subject: Re: Clifford Murray Informal Complaint
To: Lana Berett
Cc: Marialie Wright

Good Afternoon Lana,

I hope all is well. I was wondering if you had a resolution to this complaint?

Please advise,
Thank you,
Cynthia Dumas

*** Lana's Reply ***

From: Lana Berrett
Date: Tue, Jul 17, 2018 at 1:06 PM
Subject: RE: Clifford Murray Informal Complaint
To: Cynthia Dumas

We are working on this and hope to have something to you by the end of the day or first thing in the morning.

Informal Complaint Report

Thanks Lana
Lana Berrett
Sales & Service Manager
STRATA Networks
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C: (435) 622-6280

*** Lana's/Strata Response to Complaint ***

From: Lana Berrett
Date: Tue, Jul 17, 2018 at 3:11 PM
Subject: Clifford Murray Informal Complaint
To: Marialie Wright, Cynthia Dumas
Cc: Clifford Murray, Beau Hancock

Attached you will find our 1st and 2nd response. We hope that this will clarify any questions or concerns:

Marialie your email to me came to my Junk mail, so I did not notice it immediately, therefore I had Mr Murray forward his copy to me. I hope this information will be what is needed to clear up any questions or concerns. Please let us know, if you need anything else from us.

Thank You,
Lana
Lana Berrett
Sales & Service Manager
STRATA Networks
Now offering internet speeds up to 1 Gig.
O: (435) 622-5280
C: (435) 622-6280

ATTACHED LETTER

July 17, 2018

Marialie Wright

Thank you for reaching out to STRATA to assist in resolving Mr. Murray's Informal Complaint against STRATA. STRATA has had several conversations with the Murrays attempting to explain payment obligations for services provided under the Account Holder's name. STRATA's Terms and Conditions make it clear that the customer/account holder is responsible for services rendered in their name. The Murray's have had two accounts with STRATA for residential telecommunication services.

The first account was created under Cliff and Cathy Murray and the second account was created under Cathy Murray. Cathy Murray is responsible for charges incurred under both accounts because she agreed to be named as a responsible party under both accounts. Cathy ceased making payments on one of her accounts and the delinquent charges under this account were transferred to her other account to which Cliff is listed as a responsible party. STRATA believes the practice of transferring outstanding debts from one account to another account to a similar class of service (such as residential to residential) is a legal and common practice for utility entities operating under the jurisdiction of the Utah PSC.

Ms. Dumas applied Utah Administrative Code R746-200-4(G)(1) "A utility company may only transfer bills between similar classes of service, such as residential to residential, not commercial to residential." STRATA is a regulated utility company under the state of Utah and is obligated to follow rules promulgated by the Utah PSC. The Murrays contend that R746-200-4(G)(1) does not apply to STRATA because the rule addresses account billing, termination, and deferred payment agreements for residential utility services for electric, gas, water, and sewer utilities. Although telecommunication services are not specifically listed under R746-200-4(G)(1), STRATA believes it is operating within the PSC rules under R746-200-4(G)(1) and subsequent PSC rules R746-240 Telecommunication Service Rules.

Under R746-240-3(B) (1) a "Telecommunications service is to be conditioned upon payment of deposits, when required, and of the outstanding debts for past telecommunications service which owed by the applicant to that telecommunications corporation, subject to Section R746-240-7 Review and Resolution of Disputes....." Cathy Murray has incurred outstanding debts on one of her accounts. STRATA has communicated to Cathy that the charges on her past due account will be applied to her other account. STRATA works with all Account Holders who are unable to pay a delinquent account balance on demand under a deferred payment arrangement until the delinquent account charges are liquidated.

STRATA has investigated the Murray's dispute (the outstanding debt owed on the delinquent account) and proposed solutions to resolve the dispute. Ms. Dumas has reviewed the informal complaint and information provided by STRATA regarding the dispute. Ms. Dumas concluded that the informal complaint be marked as resolved and instructed the Murrays of their right to petition the Commission for a review of the dispute. STRATA concurs with Ms. Dumas's conclusion to designate the informal complaint as resolved.

If you need further information, please feel free to let us know.

Informal Complaint Report

Respectfully,
Lana Berrett
Customer Service Manager

7-18-2018 (Copied to: Lana, bhancock, Cynthia & Chris)

Mr. Murray,

Strata has responded to your complaint the second time explaining how and why those unpaid delinquent charges were transferred to the joint account. (see email threads below)

At this point, based on the information provided to us, I don't believe Strata to be in violation of any rules or its tariff.

Your informal complaint is now closed as of July 17, 2018.

If you disagree or wish to dispute further, please file a Formal Complaint with the Public Service Commission using the form Cynthia has sent you via email.

Again, the Division of Public Utilities role in the complaint process is only to facilitate complaints between the utility companies and its customers.

Thanks,
Marialie Wright

From: Chris Parker <chrisparker@utah.gov>
Date: Wed, Jul 18, 2018 at 2:34 PM
Subject: Re: FW: Clifford Murray Informal Complaint
To: Marialie Wright <marmartinez@utah.gov>
Cc: Down Spaced <4crystaludball@gmail.com>, bhancock@stratanetworks.com, "lberrett@stratanetworks.com" <lberrett@stratanetworks.com>, Cynthia Dumas <cdumas@utah.gov>

Everyone,

I have spoken with Mr. Murray about this complaint and consulted the relevant administrative rules. I think there is confusion about the intent of our "closing" the informal complaint. I apologize for any problems caused by our terminology. The rule requires the utility's response, which has been received. But it also provides a period of time of 30 days from the beginning of the informal review process during which efforts to address the complaint may continue. While the Division's customer service staff has sought to move complaints along quickly in order to allow complainants quick access to the Public Service Commission's formal complaint process, unless the customer informs the Division that the customer's complaint has been satisfactorily resolved, the complaint should remain classified as unresolved during that 30 day period. The Commission's rules provide that the non-payment of disputed amounts of a customer's bill may not be the basis for terminating service during the pendency of the informal review or formal review process. However, the rule is silent as to how long the matter remains pending after the 30 day period but before a request for formal review is filed.

In short, in this matter, Strata's duty to respond to the complaint is concluded but Mr. Murray has not yet indicated the the matter is resolved. Accordingly, the matter remains unresolved under the rule and Mr. Murray's service may not be terminated while review is pending. Given the rule's uncertainty, I think it best if any request for formal Commission review of the matter be filed immediately at the conclusion of the 30 day period or before. I am told that is likely July 26, but I leave it to other parties to verify that calculation.

Chris Parker
Director
Utah Division of Public Utilities