

August 24, 2018

Via Electronic Filing Only

Gary Widerburg  
PSC Secretary  
Utah Public Service Commission  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84111

[psc@utah.gov](mailto:psc@utah.gov)

Re: Docket No. 18-053-01

Dear Mr. Widerburg:

Attached for filing please find STRATA Networks' Response and Motion to Dismiss along with a Certificate of Service.

If you have any question, please call me.

Respectfully,

A handwritten signature in black ink that reads "Beau D. Hancock". The signature is written in a cursive style with a large, stylized initial 'B'.

Beau D. Hancock  
STRATA Networks  
Legal and Regulatory Affairs

Beau D. Hancock (#13227)  
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Attorney for UBTA-UBET Communications, Inc. d/b/a STRATA Networks

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Formal Complaint of  
Clifford Murray against UBTA-UBET  
Communications, Inc. d/b/a STRATA  
Networks

DOCKET NO. 18-053-01  
**STRATA NETWORK'S RESPONSE  
AND MOTION TO DISMISS**

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On July 26, 2018, Clifford Murray filed a formal complaint<sup>1</sup> against UBTA-UBET Communications, Inc. d/b/a Strata Networks ("Strata"). STRATA respectfully provides its Response and Motion to Dismiss this complaint. The Commission should dismiss this complaint based upon the following:

- Clifford Murray has failed to state a claim upon which the Commission can grant relief.<sup>2</sup>
- STRATA in its collection practices of transferring delinquent account balances from similar classes of service, such as residential to residential, has not violated any statute or Commission rule.

Cathy Murray has had a telecommunications service account with Strata since 2001 when Strata acquired several exchanges from Qwest. On or about August 2011, Cathy Murray established a joint account adding Clifford Murray to her existing account. ("Account 1"). On or

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<sup>1</sup> PSC website link for Docket No. 18-053-01: <https://psc.utah.gov/2018/07/26/docket-no-18-053-01/>

<sup>2</sup> Utah Code Ann. 54-7-20, Reparations – Courts to enforce commission's order – Limitations of action.

about May 2006, Cathy Murray established an additional account for telecommunication services (“Account 2”). Accounts 1 and 2 are both residential and non-commercial accounts.

On November 29, 2017, Cathy Murray ceased making payments on Account 2. STRATA made numerous attempts to arrange a payment schedule before disconnecting telecommunication services to Account 2. On January 17, 2018, STRATA terminated all telecommunication services associated with Account 2, and Account 2 was left with an unpaid account balance. On March 28, 2018, STRATA applied the unpaid balance for Account 2 to Account 1<sup>3</sup>.

Mr. Murray complains that it is illegal for STRATA to transfer the unpaid balance from Account 2 to Account 1 and that he is not responsible for services not ordered or agreed to by him.<sup>4</sup> STRATA has informed Mr. Murray that customers are responsible to pay for telecommunication services provided in their name, including services provided on a joint account. STRATA has provided telecommunication services for Cathy Murray on Accounts 1 and 2. She is considered an account holder for each account and is responsible for paying for services on each account.

STRATA believes the practice of transferring outstanding debts from one account to another account for 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 Public Service Commission<sup>5</sup>. Additionally, a “[t]elecommunications service is to be conditioned upon payment

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<sup>3</sup> The disputed unpaid balance of Account 2 has been removed from Account 1 pending the outcome of this dispute.

<sup>4</sup> Clifford Murray Formal Complaint Form, response to question 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.* He stated; “By invoice number 3287572 dated 3/28/2018 Strata billed Cathy and Clifford Murray, jointly, for an amount which is apparently owed solely by Cathy Murray.” Response to question 4. *Why do you (the Complainant) think these activities are illegal, unjust or improper?* He stated; “I, Clifford Murray, am being billed for services not ordered or agreed to by myself.”

<sup>5</sup> 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.”