

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of Edward)
West,)
Complainant,)
v.)
Qwest Corporation,)
Respondent.)

DOCKET NO. 02-049-38

ORDER OF DISMISSAL
WITHOUT PREJUDICE

ISSUED: July 9, 2003

By The Commission:

On April 17, 2002, Edward West filed his consumer complaint against Qwest Corporation (Qwest). Mr. West alleges that Qwest has billed him for the installation of a telephone jack in his premises, that Mr. West alleges he did not request. Mr. West requests that the Commission remove the jack installation charge from his bill. The parties were unable to resolve their dispute through the dispute resolution process undertaken by the Division of Public Utilities. Qwest's position is that, as part of the initiation of his requested two line service, Mr. West did order the installation of a jack, that a Qwest technician visited Mr. West's home, was granted entry by Mr. West's landlord, that the landlord identified the location at which the jack was to be installed, and the landlord signed the work order for the jack installation. Qwest argues that the jack was requested by Mr. West, was installed, and that Mr. West is responsible for payment of the charge. Qwest further argues that the Commission does not have jurisdiction over jack installation and therefore cannot resolve this customer complaint. Mr. West subsequently ended telephone service from Qwest and became a customer of AT&T, without making payment for a number of Qwest charges.

As Mr. West has ended service from Qwest, his requested relief cannot be granted; he no longer receives a recurring bill from Qwest which would include the disputed jack installation charge. Were Mr. West a continuing customer of Qwest, further proceedings would be appropriate to determine whether Qwest should continue to include the charge in subsequent bills. Under the circumstances, this specific customer complaint is moot. As such, a dismissal is appropriate.

Wherefore, this matter appearing moot and the requested relief not being available due to the cessation of Mr. West's customer relationship with Qwest, this matter is dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 9th day of July, 2003.

/s/ Douglas Tingey
Administrative Law Judge

Adopted and issued as the Order of the Public Service Commission, this 9th day of July, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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