

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Complaint of)
ROGER F. CAMPBELL)
Complainant,)
v.)
QWEST CORPORATION,)
Respondent.)

DOCKET NO. 02-049-52

ORDER OF DISMISSAL

ISSUED: June 18, 2003

By The Commission:

Roger Campbell filed a consumer complaint against Qwest Corporation (Qwest) on June 14, 2002. Qwest responded on July 14, 2002. In his complaint, Mr. Campbell alleges that he contacted Qwest to report a service problem with his telephone service. Mr. Campbell states that the Qwest service representative informed him that the trouble was on the company's facilities and that a technician would be dispatched to remedy the problem. Qwest responds and states that Mr. Campbell was informed that if the cause of the service problem was due to his equipment or wiring, a service charge would be charged for the dispatch of the technician. Mr. Campbell disputes this aspect of the factual circumstances. A Qwest technician was dispatched and found no malfunction of any Qwest facilities. The technician informed Mr. Campbell of these findings. Subsequently, Mr. Campbell located a faulty connection in the equipment/wiring within his home and corrected the problem. Mr. Campbell disputes the trouble isolation charge demanded by Qwest for the technician's trip to Mr. Campbell's premises and the diagnostics which identified the service problem being associated with Mr. Campbell's equipment/wiring.

Qwest has moved to dismiss Mr. Campbell complaint for lack of jurisdiction. Qwest's is correct in claiming that the Commission lacks jurisdiction to award Mr. Campbell the relief he requests. The Commission has only the jurisdiction accorded by the legislature through statute. Unfortunately for Mr. Campbell, our jurisdiction does not include Qwest's activities that are not public utility services. Activity associated with an individual's equipment or inside wiring is not a utility service. Irrespective of the actual circumstances, whether Mr. Campbell was or was not originally misinformed that the service problem lay with Qwest's equipment, whether he did nor did not detrimentally rely upon that misinformation, or whether Mr. Campbell was or was not informed of the charge that would be demanded if the service problem were found to be with his equipment/wiring, the Commission's jurisdiction is set and can not reach to Mr. Campbell's specific complaint and requested remedy. Just as our authority and jurisdiction over utility service can not be used by Qwest to demand and collect the trouble isolation charge, neither can it be used to end Qwest's demand for payment of the charge. Whatever Mr. Campbell's defenses or allegations against this specific charge, they must be brought in another forum; likely the one in which Qwest would seek collection of the charge.

Wherefore, based on our lack of jurisdiction over the subject matter of the complaint, Mr. Campbell's complaint is dismissed.

DATED at Salt Lake City, Utah, this 18th day of June, 2003.

/s/ Richard M. Campbell, Chairman

/s/ Constance B. White, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

GW#34134