

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of )  
Leslie and Karen Brown vs. Qwest )  
Corporation )

DOCKET NO. 02-049-85  
ORDER OF DISMISSAL

ISSUED: July 7, 2003

By The Commission:

On December 13, 2002, the Commission dismissed this action, without prejudice, believing the matter was moot as the Browns had voluntarily ended service from Qwest. Leslie and Karen Brown submitted correspondence which the Commission treated as a request for reconsideration of the December 13, 2002, Order. The Commission vacated the December 13, 2002, Order and reinstated the Browns complaint against Qwest. The issue which seemed in dispute concerned Qwest's continued efforts to collect claimed past due amounts.

Since the reinstatement of the Complaint, Qwest has submitted the affidavit of Julie Layne and a Motion for Summary Judgment. Qwest states that it has provided a credit to the Browns for an amount equal to all claimed charges for services subject to the Commission's jurisdiction. Qwest argues that since it has provided a credit equal to the relief which the Browns could receive from the Commission, concerning any contested charges subject to Commission jurisdiction, it is appropriate to grant summary judgment and dismiss the Complaint. The Browns, although they received notice of the Motion, have not submitted any opposing affidavit or pleading contesting Qwest's position. Commission staff has contacted Mr. Brown and the Browns have confirmed that they will not be submitting any further documents in this proceeding. They are aware of the procedural posture of this docket.

Based thereon, and good cause appearing, the Commission grants Qwest's Motion for Summary Judgment and enters this order dismissing the complaint.

DATED at Salt Lake City, Utah, this 7<sup>th</sup> day of July, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#34399