

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----

In the matter of the complaint of: )  
JEAN EHRHART )  
Complainant, )  
vs. )  
AT&T COMMUNICATIONS OF THE MOUNTAIN )  
STATES, INC. )  
Respondent. )

DOCKET NO. 02-087-13  
REPORT AND ORDER

-----

ISSUED: March 20, 2003

By the Commission:

Complainant Jean Ehrhart filed a formal complaint alleging that her long distance provider had been improperly switched to AT&T. Respondent AT&T Communications of the Mountain States, Inc. filed a Motion to Dismiss and Answer. The Division of Public Utilities investigated, and filed a memorandum recommending that the Complaint be dismissed.

As part of its Motion to Dismiss and Answer, Respondent provided records indicating that Complainant cashed a check authorizing a switch to AT&T long distance service in January 1998. Respondent and the Division of Public Utilities also stated that charges from Respondent for long distance service appeared on the Complainant's Qwest bills from the time of the change in 1998 until May 2002 when the long distance carrier was switched to a provider other than AT&T. Complainant paid the bills including the AT&T charges.

Customer complaints being designated informal proceedings under Commission rules, and there appearing to be no disputed material factual issue necessary to the resolution of this matter, we deem it ripe for disposition without hearing or submission of further evidence.

AT&T has provided evidence of an authorization to change Complainant's long distance service to AT&T. The fact that the change in long distance carrier in question occurred more than three years prior to the filing of the Complaint, and during that time Complainant paid bills containing charges from AT&T, is further evidence that the change was authorized. We find no violation of a statute, rule or tariff in this matter. The Complaint must be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The Complaint filed herein is dismissed.

If Complainant wishes to proceed further, Complainant may file a written petition for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal.

DATED at Salt Lake City, Utah, this 20<sup>th</sup> day of March, 2003.

/s/ Douglas C. Tingey  
Administrative Law Judge

Approved and Confirmed this 20<sup>th</sup> day of March, 2003, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#32988