

-BEFORE THE UTAH PUBLIC SERVICE COMMISSION-

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*In the matter of the complaint of:* ARTISTIC )  
STONE MASONRY AND SUPPLY, INC., )  
Complainant, )  
vs. )  
WORLDCOM, )  
Respondent )

DOCKET NO. 02-2245-01  
REPORT AND ORDER

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ISSUED: January 8, 2003

SYNOPSIS

The subject matter of this complaint being wireless telephone service over which this Commission does not have jurisdiction, we dismiss.

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By The Commission:

PROCEDURAL HISTORY

Complainant filed this complaint after numerous attempts to resolve service and billing problems with Respondent Worldcom. The complaint deals with at least two accounts for wireless telephone service with Respondent. Complainant alleges very poor customer service, confused billing, insufficient service and coverage area, and problems with Respondent in repairing telephones under a protection plan. Complainant has discontinued service with Respondent and claims that it was not given the credits on its billings Respondent agreed to provide. The Division of Public Utilities investigated, and filed a recommendation that this matter be dismissed because this commission does not have jurisdiction over wireless service providers and therefore cannot address the issues in the complaint. Customer complaints being designated informal proceedings under Commission rules, and there appearing to be no disputed factual issue necessary to the resolution of this matter, we deem it ripe for disposition without hearing or submission of further evidence. The Administrative Law Judge, having been fully advised in the premises, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Complainant is a business customer of Worldcom for wireless telephone service and associated services.
2. Complainant makes numerous allegations regarding the service and business practices of Respondent.
3. Respondent has not filed any response to this Complaint.

CONCLUSIONS OF LAW

The Commission does not have jurisdiction to address the matters raised in the complaint. This Commission has jurisdiction over each "telephone corporation" in the State of Utah. Utah Code Ann. §54-2-1(23)(b) states in relevant part:

"Telephone corporation" does not mean a corporation, partnership, or firm providing:

(i) intrastate telephone service offered by a provider of cellular, personal communication systems (PCS), or other commercial mobile radio service as defined in 47 U.S.C. Sec 332 that has been issued a covering license by the Federal Communications Commission.

The complaint in this matter deals with telephone service provided by cellular, PCS or other commercial radio service. The Respondent then is not operating as a telephone corporation under the jurisdiction of this Commission. As a result, this Commission does not have jurisdiction to address this complaint, and the complaint must be dismissed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- The complaint of ARTISTIC STONE MASONRY & SUPPLY, INC. against WORLDCOM is dismissed.
- If Complainant wishes to proceed further, it 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 8<sup>th</sup> day of January, 2003.

/s/ Douglas C. Tingey  
Administrative Law Judge

Approved and Confirmed this 8<sup>th</sup> day of January, 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#32044