

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal )  
Complaint )  
of Michele Wall )  
vs. )  
Qwest )

DOCKET NO. 03-049-33  
REPORT AND ORDER

ISSUED: January 7, 2004

By the Commission:

Complainant Michele Wall filed her complaint in this matter alleging that Qwest charged her for services on a line that had been disconnected, and also not allowed her access to long distance service because of unpaid charges on that previous bill. For relief, Ms. Wall requested "relief of debt that was not incurred by us" and that they be allowed long distance service.

Qwest filed an Answer denying that it had improperly charged Ms. Wall, and claiming that it acted in compliance with it's tariff and relevant statutes and rules.

The Division of Public Utilities investigated and filed a memorandum containing the results of that investigation. The division concluded that Qwest had not violated any provision of statute, rule, or tariff and recommended that the complaint be dismissed.

A hearing was held. Ms. Wall and her husband Dean Wall offered testimony. Qwest was represented by David Elmont, and offered the testimony of Julie Layne.

DISCUSSION

This dispute involved two accounts. The first account was established by Mr. and Ms. Wall at 15 West Daniel Drive, Kaysville, Utah, in 1998. Service was interrupted on that account on August 1, 2000, due to nonpayment. Mr. Wall made an electronic payment of \$581.92 on that account, and service was restored that day. The Walls claim that they did not receive service, and should not be held responsible for payment for service after August 17, 2000, because they claim they were not living at that residence. For proof they submitted a Notice of Trustee's Sale setting a Trustee's sale of that property for August 17, 2000. However, Qwest provided records indicating that after that date several conversations occurred between Mr. Wall and Qwest regarding this account. Mr. Wall also made payments during this time period to prevent termination of service. On November 10, 2000, Qwest's records indicate that Mr. Wall called Qwest and requested that the service be transferred to a new location. Qwest informed Mr. Wall that the service would not be transferred because of past due amounts on the account. At Mr. Wall's request service was terminated on this account on November 16, 2000. The sum of \$435.57 was outstanding on this account for Qwest regulated services.

On November 17, 2000, Ms. Wall contacted Qwest to initiate service at another address. At that time Ms. Wall represented that she was living alone and requested service in her name only. New service was established at 1587 N. Hwy 89 Bldg. House, Kaysville, Utah. That service was subsequently transferred to a new location with a new number. Service on this new account was interrupted for non-payment in May 2002, and at that time Ms. Wall complained to the Division of Public Utilities. In investigating the complaint, Qwest discovered the past due amounts from the previous account, and in October 2002, sent Ms. Wall a letter demanding payment of the past due amounts from the initial account.

Due to past payment problems, and the lack of an adequate deposit, Qwest had also blocked long-distance calling on the

new service line. Qwest subsequently agreed to remove the block as long as the toll bill did not go through Qwest.

### FINDINGS AND CONCLUSIONS

We find Ms. Wall's claim that she and Mr. Wall should not be responsible for payment for services from August 17, 2000, to the date of disconnect of November 16, 2000, unsupported. The proffered Notice of Trustee's Sale does not provide any evidence of when the Wall's moved out of the 15 West Daniel Drive residence, nor could it provide any evidence as to when the Walls requested that service to that address be terminated. Not only is there no record of a request to terminate the service before November 16, 2000, there is ample evidence that the Walls knew service was continuing and made payments to prevent termination of the service. Accordingly we find that Qwest's charges to the Walls during that time-frame were appropriate.

We further find that Qwest acted properly when it discovered that Ms. Wall had initiated service at a new address under false pretenses and sought payment from her and Mr. Wall of the past due amounts from the initial service. Qwest's agreement to allow long distance access as long as the billing did not go through Qwest made that issue moot. In sum, we find that Qwest's actions in this matter have been in accordance with its tariff, and our rules, and conclude that the complaint should be dismissed.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that: 1. The complaint of Michelle Wall against Qwest Corporation is hereby dismissed.

2. Any person aggrieved by this Order may petition the Commission for review/rehearing pursuant to the *Utah Administrative Procedures Act, Utah Code Ann. §63-46b-1 et seq.* Failure so to do will preclude judicial review of the grounds not identified for review. *Utah Code Ann. §54-7-15.*

DATED at Salt Lake City, Utah, this 7<sup>th</sup> day of January, 2004.

/s/ Doug Tingey  
Administrative Law Judge

Approved and Confirmed this 7<sup>th</sup> day of January, 2004, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/Julie Orchard  
Commission Secretary

G#36530