

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the Matter of the Investigation of Customer )  
Complaints and Compliance with Commission )  
Administrative Rules by MCI WORLDCOM )  
COMMUNICATIONS, INC. )

DOCKET NO. 03-095-01

REPORT AND ORDER

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ISSUED: June 9, 2003

By the Commission:

PROCEDURAL HISTORY

On March 7, 2003, the Division of Public Utilities ("Division") filed a Petition, pursuant to *Utah Code Annotated* §54-4a-1, for an Order to Show Cause why MCI WorldCom Communications, Inc. ("MCI") should not be fined for failing to timely respond, as required by Commission rule, to informal customer complaints filed with the Division. An Amended Petition for an Order to Show Cause was filed on March 13, 2003. On April 3, 2003, the Attorney General's office, representing the Division, notified the Commission by letter that the Division and MCI were diligently pursuing settlement discussions, and stating that they had agreed to extend the time for MCI to respond to the Petition to May 13, 2003.

On May 7, 2003, a Settlement Agreement and Motion for Adoption of Settlement Agreement and Dismissal with Prejudice, signed by counsel for MCI and the Division, was filed with the Commission. The Settlement Agreement states, in part, that:

1. MCI has resolved all of the underlying customer complaints, and the Division has confirmed that all the complaints have been resolved.
2. The Division and MCI have agreed to procedures to resolve future complaints more expeditiously, and to improve communication between those parties.
3. MCI agrees to pay the State of Utah a settlement payment of \$30,000 within 30 days of a final order in this docket.
4. The Division recommends that its Petition be dismissed with prejudice.

DISCUSSION

Settlement of matters before the Commission is encouraged. *Utah Code Ann.* § 54-7-1. See also *Utah Dept. of Admin. Services v. Public Service Commission*, 658 P.2d 601, 613-14 (Utah 1983). The Commission may approve a stipulation or settlement after considering the interests of the public and other affected persons if it finds the stipulation or settlement is in the public interest. *Id.*

This matter involved customer complaint matters that the Division alleged that MCI did not respond to in the time required by Commission rule. The Settlement Agreement states that all of the underlying customer complaints have been resolved. In addition, improved procedures to resolve any future complaints more expeditiously have been agreed to which should help customer resolve matters quicker, and also avoid future actions before the Commission like the present one. MCI has also agreed to pay the State of Utah \$30,000, an amount we find reasonable under the circumstances of this settlement. The terms of the Settlement Agreement should improve the handling of any future customer complaints involving MCI. The Settlement Agreement appears to be in the public interest and should be

approved.

Based upon the foregoing, and good cause appearing, the Administrative Law Judge enters the following recommended order:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The Settlement Agreement is accepted and approved, and is adopted as part of this Order.
2. MCI shall pay to the State of Utah \$30,000 within 30 days of the date of this Order.
3. The Petition in this matter is dismissed with prejudice.
4. 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 9<sup>th</sup> day of June, 2003.

/s/ Douglas C. Tingey  
Administrative Law Judge

Approved and Confirmed this 9<sup>th</sup> day of June, 2003, as the Report and Order of the Public Service Commission of Utah.

/s/ Richard M. Campbell, Chairman

/s/ Constance B. White, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

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