

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Dave Holman vs. Qwest) DOCKET NO. 06-049-45
) REPORT AND ORDER
)

ISSUED: May 16, 2006

By The Commission:

PROCEDURAL HISTORY

On April 3, 2006, Complainant Dave Holman filed a formal complaint claiming Respondent Qwest Corporation (“Qwest” or “Company”) had wrongly continued billing his old address for telephone service even though he had requested the service be terminated on October 19, 2005. Complainant seeks reversal of all charges for this service to his Qwest account since October 19, 2005, correction of any credit issues created by Qwest, an apology from Qwest, and use of this complaint against Qwest in any future Qwest proceedings.

On April 19, 2006, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission dismiss the complaint, stating the Division’s investigation found no violation by Qwest of any statute, rule, or tariff.

On April 28, 2006, Qwest filed a memorandum informing the Commission that Qwest has provided Complainant a credit for the full amount of the claim specified in his complaint and asking the Commission to dismiss said complaint. To date, despite efforts by Commission staff to contact him, Mr. Holman has failed to respond to Qwest’s memorandum or to confirm that his old service account has been fully credited as stated by the Company.

BACKGROUND, DISCUSSION, AND FINDINGS

Mr. Holman's complaint indicates he requested final termination of Qwest telephone service to his prior address via phone call to Qwest on October 19, 2005, but that he thereafter received monthly bills for service to that address. Qwest states that on September 27, 2005, Mr. Holman placed a transfer of service order with the Company. However, Mr. Holman contacted Qwest on October 14, 2005, to request that service to his old residence remain connected until further notice. Qwest has no record of the call requesting disconnection Mr. Holman claims to have made to the Company on October 19, 2005. Qwest's records indicate Mr. Holman contacted the Company on December 9, 2005, to request termination of that service. Qwest did not disconnect this service until February 14, 2006. Therefore, in response to Mr. Holman's informal complaint to the Division, Qwest credited his account \$156.99 for the period December 7, 2005, through February 14, 2006.

In the interest of resolving the current complaint, on April 6, 2006, Qwest issued a second refund to Mr. Holman in the amount of \$169.73. As a result of this combined refund of \$326.42, Qwest states there are no remaining charges listed on the old service account. As rate reparations for these disputed charges are the only remedy available to Mr. Holman in this proceeding, Qwest seeks dismissal of the complaint. As of the date of this Order, Complainant has failed to respond to Qwest's memorandum or to dispute any of the facts presented by Qwest.

Having reviewed all matters submitted in this docket, we find and conclude the refunds credited by Qwest to Complainant's prior service account are just and reasonable and provide all relief otherwise available to Complainant as a result of his formal complaint. We therefore conclude it is reasonable to dismiss this complaint without further proceedings.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The complaint filed herein is dismissed.
2. Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 16th day of May, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 16th day of May, 2006, as the Report and
Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#48892