

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Diane Barton against Qwest Corporation)

DOCKET NO. 09-049-59

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)
ORDER OF DISMISSAL

ISSUED: February 9, 2010

By the Commission:

This matter is before the Commission on Diane Barton's complaint against Qwest Corporation (Company). Ms. Barton complains because the Company refused to allow phone service at a home she owns, which is located at 7868 South 860 East in Sandy. Ms. Barton does not occupy the Sandy home. Ms. Barton's son and grandson live at the Sandy home. She requested the Commission order the Company to provide service at the Sandy home, but bill her at her residence.

The Company claims that Ms. Barton is engaging in subterfuge, and refuses to provide service to the Sandy address so long as her son has an unpaid balance of \$50 for service previously provided him at the Sandy residence. The Company previously terminated the son's service in January 2009 for non-payment. Additionally, the Company stated there was a another previously unpaid bill which the Company is not collecting at this time. Thus there remain two different unpaid bills at this location. The Company states it will provide service to the Sandy residence once the most recent final bill has been paid or when a deposit has been paid to the Company.

The Division of Public Utilities (Division) filed its recommendation on January 4, 2009. It recommended dismissal of the Complaint. It stated that the Company is abiding by its Price

List and has violated no part of it, Commission Rule or statute by refusing to provide service so long as their remains a balance owing.

ORDER

Ms. Barton has not shown that the Company has violated any portion of its Price List, Commission rule or statute by refusing to provide service at her Sandy address so long as their remains an unpaid bill. The Company's Price List provides:

Service will be denied and/or disconnected when it reasonably appears to the Company that a customer has employed subterfuge to obtain service. Subterfuge shall include, but shall not be limited to, *the establishment of service by an applicant or a responsible party, who is acting alone or with others, to establish telephone service which materially benefits a person or entity who has previously failed to pay an amount due for similar utility service.* See Exhibit A, Qwest Exchange and Network Services Price List, § 2.2.1.A.2, p. 14. (Emphasis added.)

Ms. Barton's actions exactly fit the definition of subterfuge. She is attempting to establish service in her name, which service would materially benefit her son, who has twice previously failed to pay an amount due for phone service. The Company's actions are fully consistent with the terms and conditions of its Price List.

Additionally, the Company's offering the security deposit option to Ms. Barton is consistent with § 2.3.3.B.1, p. 35 of the Company's Price List. Incidentally, the Company will pay 9% annual interest on the security deposit paid to it in order to establish phone service.

The Commission, therefore, dismisses Ms. Barton's formal complaint with prejudice.

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DATED at Salt Lake City, Utah, this 9th day of February, 2010.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 9th day of February, 2010, as the Order of Dismissal
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#65203