

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Gail Dinwiddie,

Complainant

v.

Southwestern Bell Telephone Co.

d/b/a AT&T Missouri,

Respondent.

)
)
)
)
)
)
)
)
)
)

Case No. IC-2018-0044

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation* in this matter hereby states:

1. Gail Dinwiddie (“Complainant”) filed a formal complaint against Southwestern Bell Telephone Co. d/b/a AT&T Missouri (“AT&T”) August 8, 2017, alleging that AT&T charged him for a yellow page advertisement that the Complainant had tried to cancel.

2. AT&T filed an *Answer and Motion to Dismiss* September 7, 2017, alleging that the Commission does not have jurisdiction over yellow pages ads because that does not constitute a telecommunications service and falls outside the Commission’s statutory grant of authority. AT&T further alleges that this complaint was brought against the improper party because AT&T does not publish or engage in the directory advertising business.

3. The Commission directed the Complainant to respond to the *Motion to Dismiss* no later than September 17, 2017, but the Complainant has not filed anything to date.

4. Section 386.330(4), RSMo, specifically states that, “notwithstanding the power of the commission over telecommunications companies, the commission shall not have jurisdiction over complaints concerning yellow page listings and advertisements.” Staff interprets this statute to clearly impede the Commission’s jurisdiction over this complaint. Staff in its investigation did not find that AT&T had violated any statutes, Commission rules or tariff provisions.

5. Staff spoke to Mr. Gail Dinwiddie on October 5, 2017. In that call he expressed that he had spoken with AT&T and that it was his understanding that AT&T was the incorrect party to handle this issue. Additionally, he explained that he had reached out to someone with the Yellow Pages Company to address his concerns regarding the bill. Staff requested a copy of the original bill Complainant received for the advertisement, but Complainant was uncertain that the bill could be located and Staff has not received such a document.

WHEREFORE, Staff prays that the Commission will accept its *Staff Recommendation*; and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne
Legal Counsel
Missouri Bar No. 64078
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
whitney.payne@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 10th day of October, 2017, to all counsel of record.

/s/ Whitney Payne