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January 27, 2000

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Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TC-2000-155

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Julie Kardis
Assistant General Counsel
(573) 751-8706
(573) 751-9285 (Fax)

JK/dkf
Enclosure
cc: Counsel of Record

FILED²

JAN 27 2000

Missouri Public
Service Commission

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JAN 27 2000

Missouri Public
Service Commission

Case No. TC-2000-155

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. On January 5, 2000, the Missouri Public Service Commission (Commission) issued an Order directing Staff to investigate and file its findings on a Complaint which Gerry Miller (Complainant), Presiding Commissioner of Barton County, filed against GTE (Respondent). In addition, the Order directed Staff to address the question of whether the Commission has jurisdiction to grant the relief requested in the Complaint.

2. In the Complaint, Complainant alleged that Respondent improperly billed approximately thirty (30) Vernon County residents for the Barton County 911 Surcharge. Complainant requested that the Commission order Respondent to provide credits to all out-of-county residents who were charged improperly and to provide to the Barton County Commission a list of such residents including telephone numbers and the amounts and dates of all refunds.

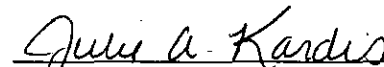
3. Staff has completed its investigation as described in the attached Memorandum labeled Appendix A. Staff believes, at this time, that Respondent has resolved all issues set forth

in the Complaint by refunding all monies to residents who were charged improperly and by authorizing Staff to provide the requested lists to the Barton County Commission. As such, Staff believes that it may be unnecessary to address the jurisdictional issues presented in this case. Staff requests that the Commission grant Staff until February 17th to file its recommendation regarding such issues. If granted, this will allow Complainant ten (10) days to respond to Staff's recommendation and to inform the Commission as to whether the Complaint has been satisfied. If the issues remain unresolved, Staff would then have ten (10) days to respond and to address the jurisdictional issues.

WHEREFORE, the Staff requests that the Commission accept Staff's recommendation as filed and order that this case be closed or, in the alternative, grant Staff until February 17th to address jurisdictional issues, if necessary.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Julie A. Kardis
Assistant General Counsel
Missouri Bar No. 44450

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 27th day of January 2000.

Julia A. Kardis

MEMORANDUM RECEIVED

To: Missouri Public Service Commission Official Case File
Case No. TC-2000-155

JAN 26 2000

SLR 9:53

From: Tom Solt
Telecommunications Department

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

Wm Headlee 1-26-00
Utility Operations Division/Date

Wm K Haas 1/27/00
General Counsel's Office/Date

Subject: Gerry Miller, Presiding Commissioner County of Barton vs. GTE Telephone Company

Date: January 21, 2000

Commissioner Miller filed a formal complaint against GTE Telephone Company (GTE or Company) on August 18, 1999, alleging that GTE has been billing improperly the residents of counties other than Barton for the Barton County 911 surcharge. Commissioner Miller alleges that GTE has been improperly billing residents of Vernon County since Fall, 1991, when the collection of the surcharge was authorized.

Commissioner Miller further charges that GTE was given the names and addresses of the Barton County residents who should properly be charged for 911 service. However, Barton County began receiving telephone calls from residents of Vernon County who were being charged the 15%. Commissioner Miller states that GTE was contacted on numerous occasions regarding this problem, and each time, GTE personnel indicated that if Barton County would identify from a list the individuals who were not Barton County residents, the Company would remove the surcharge from those customers' bills. Just prior to filing the instant complaint, Commissioner Miller was made aware of another Vernon County resident who was still being improperly charged.

Commissioner Miller asks the Missouri Public Service Commission (MoPSC) to order GTE to refund all out-of-county residents who have been charged improperly for Barton County 911 service. Additionally it asks the MoPSC to supply the Barton County Commission with the names and phone numbers, amounts refunded, and the date credits were made to those improperly charged.

On August 24, 1999, the MoPSC issued a Notice of Complaint. On October 2, 1999, the MoPSC issued an Order Directing Filing, directing GTE to file no later than November 5, an answer or notice that the complaint had been satisfied. On November 5, 1999, the Company filed GTE Midwest Incorporated's Response to Order Directing Filing, in which the Company stated the complaint had been resolved. On November 16, 1999, the MoPSC issued its Second Order Directing Filing, directing Commissioner Miller to file a response confirming or denying that his complaint had been resolved satisfactorily. On December 28, 1999, the MoPSC issued a Notice that the complaint would be dismissed if Commissioner Miller did not file a reply on or before January 7, 2000. On January 3, 2000, Dennis Wilson, on behalf of the Barton County Commission filed a letter dated November 15, 1999 that stated the Commission was not satisfied with GTE's performance and

that the Commission asked that the problem be fixed and that GTE prove to some authority that the problem had been corrected.

On January 5, 2000, the MoPSC issued an Order Directing Staff Investigation and Report, directing the Staff of the MoPSC to investigate the circumstances of the allegations and file a report no later than February 4, 2000. The Telecommunications Department Staff (Staff) was assigned to the case on January 7, 2000.

Staff called Barton County Clerk Bonda Rawlings on January 11th and asked for names of anyone affected by the erroneous billing. Ms. Rawlings sent me a list of 30 names and numbers of people living outside Barton County who had been improperly charged. Next, Staff called the 30 numbers but was only able to contact 13 people. Twelve stated that the Barton County emergency service charge had stopped and they had received credits on their bills. One person indicated that no incorrect billing had ever taken place.

On January 14, 2000, Staff sent two Data Requests (DRs) to GTE, asking if they were currently billing residents of any county other than Barton the Barton County emergency service charge, and for a listing of any accounts still being improperly billed. Staff also asked the Company to provide a list of the names, addresses and phone numbers of all accounts improperly billed, when the improper billing started, when it was halted, when a refund was made, and the amount of that refund. Due to time constraints, Staff requested the Company to respond to the DRs as quickly as possible.

Later on the 14th, Staff received a telephone call from Deb Poleos, GTE's 911 Project Manager for Missouri. She provided a synopsis of the action she had taken on behalf of the Company and stated that even though GTE now has a "Surcharge Department," that she had indicated to Barton County that she would personally resolve this complaint. She indicated that the Company had a target date of January 18 to respond to the DRs, but felt strongly that the billing problems have been resolved. Staff asked whether GTE had any plans to attempt to collect the monies that had been refunded from Barton County. She indicated she would oppose any such effort to do so.

Shortly after speaking with Ms. Poleos, Staff received a telephone call from Dave Evans, GTE's Manager of Regulatory Affairs, who stated the DRs would probably not be ready until January 21. He also indicated, in response to Staff's questioning of Ms. Poleos, that he would oppose any attempt for GTE to collect the refunded monies from Barton County.

Staff spoke to Bonda Rawlings, the Barton County Clerk on January 19, 2000, advised her of Staff's conversation with Deb Poleos, and queried her about additional complaints since Staff last spoke with her. No additional complaints were reported. Given the above facts, and contingent upon GTE's DR responses, Staff expressed its opinion that GTE had corrected the problem. Staff also advised Ms. Rawlings that this report would indicate that the problem was resolved, however, she was given the Commission's toll-free number and asked to notify Staff if further problems were experienced.

Late on January 21, 2000, GTE delivered its responses to the Staff DRs, as promised. In its responses, it stated it is not aware of any further incidents of inappropriate charges that have not been addressed. Also, GTE provided a listing of the name, address, telephone number, the date the

Barton County 911 surcharge began, the date stopped, the amount of refund, and the date of refund. Although marked "proprietary," the Company has given permission to supply the listing of credits to Barton County and Staff faxed the list to Barton County on January 26, 2000.

Staff believes the Company has resolved the complaint by correcting the instances of which it is aware of the inappropriate billing of the Barton County emergency service charge, providing credits to those affected, and providing the requested list of those affected and their credit information. Therefore, Staff recommends that this complaint be closed.

Service List for
Case No. TC-2000-155
January 27, 2000

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