

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 26th
day of February, 1993.

Clifford E. Simmons,)	
)	
Complainant,)	
)	
vs.)	<u>CASE NO. TC-93-226</u>
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

On January 20, 1993, a complaint was filed by Clifford E. Simmons (Complainant) against Southwestern Bell Telephone Company (SWB) alleging SWB improperly refused to provide telephone service in Complainant's name for Complainant's niece and nephew, who lived at a separate address. SWB filed its response to this complaint on February 16, 1993, in which it stated that service had subsequently been provided at the requested location and that, therefore, the complaint should be dismissed.

The facts, which are undisputed in this matter, reflect that Complainant, who resides in St. Louis, Missouri, contacted the SWB business office on December 21, 1992, and requested telephone service be provided in Complainant's name at his sister's address in Eldon, Missouri, for benefit of Complainant's niece and nephew, who are minors. SWB informed Complainant, who owed no outstanding balance to SWB, that service could not be provided at the requested address as Claimant's sister, who had previous service at that address and presumably still resides there, owed an outstanding overdue balance to SWB and had been disconnected as a result. SWB informed Complainant that SWB's policy "prohibits establishing service in the name of a minor, or any other

person, when to do so would indirectly provide service to the customer whose service has been disconnected for non-payment".

Subsequently to the filing of the complaint SWB was contacted by Complainant, who informed them that his sister had filed bankruptcy and that the overdue balance would not be paid. SWB arranged to have Complainant submit the bankruptcy papers, at which time service was restored to the Eldon address in Complainant's sister's name notwithstanding the unpaid balance.

The Commission finds, as no factual dispute exists as to matters necessary to render a decision in this matter, that no hearing is necessary. The Commission finds that, as service has been provided to the location as requested by Complainant, the complaint is moot and is dismissed per SWB's motion. In addition, Complainant requested punitive damages be levied by the Commission on SWB, however, the Commission has no jurisdiction to do so and therefore Complainant has received the only remedy available to the Commission in this matter.

IT IS THEREFORE ORDERED:

1. That the complaint filed on January 20, 1993, by Clifford E. Simmons, is, for the reasons set out above, dismissed.
2. That this Order shall become effective on the 9th day of March, 1993.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
and Kincheloe, CC., Concur.
Perkins, C., Absent.