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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of November, 1997.

Charles A. Harter and)	
Mary Ann Williams,)	
)	
Complainants,)	
)	
v.)	<u>Case No. TC-97-454</u>
)	
AT&T Communications of the)	
Southwest, Inc.,)	
)	
Respondent.)	
)	

ORDER DISMISSING COMPLAINT

On April 14, 1997, Charles A. Harter and Mary Ann Williams (Complainants) filed a Complaint with the Missouri Public Service Commission alleging that AT&T Communications of the Southwest, Inc. (AT&T) submitted erroneous bills to Complainants and violated Commission rules regarding service disconnection and medical emergencies. Specifically, Complainants allege violations of 4 CSR 240-10.010(2) and 4 CSR 240-33.070(3) and (7). The Commission issued notice of the Complaint to AT&T on April 16. AT&T responded on May 16 by filing an Answer and Motion to Dismiss denying that AT&T had violated any Commission rule and asking the Commission to dismiss the Complaint for failure to state a claim upon which relief may be granted. After considering the pleadings, the Commission found there were disputed issues of fact and issued an order on June 10 directing the Staff of the Commission (Staff) to investigate.

Staff completed its investigation and filed a Memorandum recommending dismissal of this Complaint on July 28, 1997. In its Memorandum, Staff reviewed the chronology of events leading up to the filing of this Complaint and reviewed the Commission rules which AT&T allegedly violated. Staff states that 4 CSR 240-33.070 (discontinuance of service rule) applies to residential service only. Staff quotes the definition of service in 4 CSR 240-33.020(1)(T) as "the provision by a telephone utility of telephone service for residential purposes." Staff indicates that Complainants had a business account for long distance service from AT&T and therefore discontinuance of service was controlled by AT&T's tariff. Staff states that it reviewed the appropriate section of AT&T's tariff dealing with the termination of service for cause and opined that AT&T acted in accordance with its tariff.

Staff next considered Complainant's allegation that 4 CSR 240-10.010(2) was violated by AT&T's failure to maintain a collections office in Missouri. Staff indicates that AT&T has maintained its books and records as permitted by the Commission since divestiture in 1984. Staff states that it believes 4 CSR 240-10.010(2) pertains to general accounting records, but not to customer account information. Staff does not believe that 4 CSR 240-10.010(2) requires AT&T to maintain a collections office in Missouri.

Staff indicates Complainant received two AT&T bills reflecting different account numbers and amounts, but bearing Complainants' names and phone number. Staff relates that it contacted AT&T and was told that when Complainants' service was restored on March 12 after the February 28 disconnection, AT&T established a new account number for Complainants which

resulted in the second bill with a different account number. Staff indicates that there was no error in AT&T's billing of Complainants.

On October 27, Complainants filed a Further Complaint alleging that AT&T referred Complainants' overdue bills to a collection agency. Complainants claim the collection agency then sent four harassing and threatening letters to the Complainants.

The Commission has reviewed the Complaint and Further Complaint, the Staff recommendation, and the official case file. The "Further Complaint" raised no new issues involving Commission jurisdiction or calling for further investigation. The Commission finds that there is nothing in the facts of this case as set out by Complainants which could be interpreted as a violation by AT&T of its tariffs or Commission rules governing AT&T's operation. As the Commission finds AT&T has not acted improperly with regard to this case, the Commission will dismiss this Complaint for failure to state facts upon which relief may be granted.
4 CSR 240-2.070(6).

IT IS THEREFORE ORDERED:

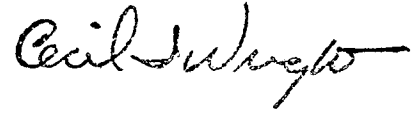
1. That the Complaint filed by Charles A. Harter and Mary Ann Williams on April 14, 1997, is dismissed for failure to state facts upon which relief may be granted. 4 CSR 240-2.070(6).

2. That the Further Complaint filed by Charles A. Harter and Mary Ann Williams on October 27, 1997, raises no new issues and is dismissed for failure to state facts upon which relief may be granted.
4 CSR 240-2.070(6).

3. That this order shall become effective on November 14, 1997.

4. That this case shall be closed on November 15, 1997.

BY THE COMMISSION

A handwritten signature in cursive script, appearing to read "Cecil I. Wright", with a long horizontal flourish extending to the right.

**Cecil I. Wright
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Hennessey, Regulatory Law Judge