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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 29th
day of October, 1997.

Linda A. Cheever,)	
)	
Complainant,)	
)	
vs.)	<u>Case No. TC-97-54</u>
)	
GTE Midwest Incorporated,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

On August 9, 1996, Linda A. Cheever (Complainant) filed a complaint against GTE Midwest Incorporated (GTE) alleging that GTE improperly handled a matter involving a business telephone number.

On September 12 GTE filed an answer to the complaint, denying some allegations and stating it has insufficient information to respond to others. In addition, GTE stated it ultimately terminated the service in question because it was unable to determine which customer, the Complainant or her former employer, properly possessed the number. Subsequently, GTE explained it was enjoined by the Circuit Court of Webster County, Missouri, from terminating the service in accordance with its filed tariffs, and was ordered to resume service to the Complainant's former employer.

Upon review of the complaint and the answer, the Commission ordered an investigation pursuant to 4 CSR 240-2.070(10). The Commission directed its telecommunications department to conduct an investigation as to the cause of the complaint and file a report of its findings in this docket no later than 60 days from the effective date of that order. In

addition, the Commission ordered the General Counsel's Office to determine the status of Case No. CV 996-230cc in the Circuit Court of Webster County, Missouri, and report said status to the Commission no later than 60 days from the effective date of that order.

On November 19 the Staff filed its investigative report together with its recommendation in this matter. After thorough investigation, report of the chronology of the events which led to the complaint, and a review of the possible causes of the complaint, the Staff concluded that GTE, the Respondent, was not a significant contributor to the situation which culminated in the complaint.

Further, the Staff alleged no tariff violations to have occurred on the part of GTE and, in fact, found GTE to have erred on the side of caution in withholding the use of the phone number in issue in this matter. The report of the General Counsel's Office indicates that GTE was subsequently ordered to reinstate the phone number in question at the Century 21 location of Complainant's former employer. This order *pendente lite* was made by the Circuit Court of Webster County, Missouri.

On September 26, 1997, the Commission requested the parties inform it as to the status of this case. Both the Staff and GTE replied, stating that the Circuit Court of Webster County had dismissed the pending suit. In addition, the Staff reasserted the matters contained in its recommendation.

The Commission has reviewed the complaint, lengthy Staff investigation and other material in the file and finds that there appears to be nothing in the facts of this case as set out by either the Staff or the Complainant which could be interpreted as a potential violation by GTE of its tariffs or Commission rules governing its operation.

As GTE is not alleged to have taken any improper action, the Commission will dismiss this complaint.

IT IS THEREFORE ORDERED:

1. That this matter is dismissed for reasons as set out above.
2. That this order shall become effective on November 12, 1997.

BY THE COMMISSION

A handwritten signature in dark ink, 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, Murray,
and Drainer, CC., concur.

Derque, Regulatory Law Judge