

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

David Hicks)
 Complainant,)
)
v.)
)
Sprint Missouri, Inc.)
 Respondent)

Case No. TC-2004-0442

Affidavit of Mick Johnson

I, Mick Johnson, am employed by the Missouri Public Service Commission (Commission), 200 Madison Street, Jefferson City, Missouri 65101, as a Utility Operations Technical Specialist for the Telecommunications Department Staff (Staff) of the Commission. My duties include: responds to highly complex, difficult telecommunications service-related complaints or inquires. Monitors telecommunications quality of service data as submitted by basic local telephone companies. Takes appropriate action when necessary if a company fails to maintain quality of service standards as established by the Missouri Commission. Conducts audits intended to ensure quality of service data is being compiled and tabulated accordingly. Provides technical assistance and training to Commission staff members and the Missouri telecommunications industry. Services as an expert resource for other staff involved in telecommunications issues. Directs, plans, coordinates and organizes the work of other staff members assisting with technical specialist work activity. Work may include some limited supervisory responsibility. Performs field investigations in connection with telephone service matters.

The purpose of my affidavit is to report on the Staff's investigation in this matter.

On March 1, 2004, Mr. Hicks filed a complaint against Sprint Missouri, Inc. (Sprint). Mr. Hicks alleges that Sprint has improperly discontinued his service for not paying his bill. Sprint officials claim that Sprint followed all rules and procedures before disconnecting Mr. Hicks' service.

Sprint has provided Mr. Hicks with basic local telecommunications service for 3 years. Mr. Hicks subscribes to basic local service and Sprint long distance with no added features to his line for a monthly charge of \$24.99, during the October 2003 to February 2004 time period and was disconnected on February 4, 2004. Mr. Hicks' bill first became delinquent on November 8, 2003. Sprint's records indicate Mr. Hicks has been delinquent in the past with another account that was left unpaid. Sprint's records indicate

Mr. Hicks currently owes the company \$407 which does not include the delinquent amount for this prior account.

Commission Rule 4 CSR 240-33.070 is relevant to Mr. Hicks' complaint. This rule identifies requirements for the discontinuance of service to residential customers. Specifically, this rule establishes procedures to be followed by the telecommunications companies so that uniform standards exist for the discontinuance of service. Subsection 1, of this rule, identifies the reasons service may be discontinued. According to the rule, service may be for nonpayment of a delinquent charge except as limited by sections (2), (4) and (5) of this rule. Section 2 indicates that basic local telecommunications service may not be discontinued for customer nonpayment of a delinquent charge for other than basic local telecommunications service. This section clarifies this further by stating the failure to pay charges not subject to Commission jurisdiction shall not constitute cause for a discontinuance of basic local telecommunications service.

The minimum amount Mr. Hicks would need to pay in order to retain basic local telecommunications service is \$242.00. This amount was arrived at by a review of Mr. Hicks' delinquent months and given to Staff by Mr. Mark Grover. Since Mr. Hicks is delinquent on the payment of basic local telecommunications service charges and toll charges, the company may proceed to discontinue telecommunications service. If Mr. Hicks had paid the minimum amount then the company may place global toll blocking on the customer's line.

Commission Rule CSR 240-33.070(5) states that telecommunications service shall not be discontinued under section (1) of this rule unless written notice by first-class mail is served on the customer at least 10 days prior to the date of the proposed discontinuance. The rule does provide an alternative arrangement whereby the company may hand deliver a notice at least 96 hours prior to discontinuance. Sprint provided written notice by first-class mail on December 16, 2003 and January 9, 2004.

The written notice must comply with certain requirements as identified in 4 CSR 240-33.070(6). My review of the notice indicates Sprint has complied with these requirements. Specifically, the notice provides a statement of the reason for the proposed discontinuance and the cost of reconnection. Notice of discontinuance shall contain: A) The name and address of the customer; B) A statement of the reason for the proposed discontinuance and the cost for reconnection; C) The date after which service will be disconnected unless appropriate action is taken; D) How a customer may avoid the discontinuance; E) The customer's right to enter into a settlement if the claim is for a charge not in dispute; F) The telephone number where the customer may make an inquiry; G) A statement that this notice will not be effective if the charges involved are part of an unresolved dispute; H) Statement of the exception for the medical emergency as stated under Section (8) of this rule.

Commission Rule 4 CSR 240-33.070(4) states that the service may be disconnected during normal business hours on or after the date specified in the notice of discontinuance. Service shall not be discontinued on a day when the offices of the

company are not available to facilitate reconnection of basic local telecommunications service or on a day immediately preceding such a day. Sprint discontinued service on Wednesday, February 4, 2004. In this respect Staff believes Sprint has complied with this aspect of the Commission's rules.


Commission Rule 4 CSR 240-33.070(7) states that at least 24-hours preceding a discontinuance of basic local telecommunications service, a telecommunications company shall make reasonable efforts to advise the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice in addition to the notice required in Section (5), a door hanger or at least (1) telephone call attempt to reach the customer. Sprint officials state a telephone call was placed to Mr. Hicks.

Commission Rule 4 CSR 240-33.070(8) states that notwithstanding any other provision of this chapter, a telecommunications company shall postpone a discontinuance for at least 21 days if service is necessary to obtain emergency medical assistance for a person who is a member of the household where the telephone service is provided and where such person is under the care of a physician. Any person who alleges such emergency, if requested, shall provide the telecommunications company with reasonable evidence of such necessity. When stated by Sprint to Mr. Hicks regarding having any person with medical needs, he made no follow-up remarks or request for additional time.

Commission Rule 4 CSR 240-33.090 states when a customer is unable to pay a charge in full when due, the telecommunications company to whom the charge is due shall permit the customer to enter into an initial settlement agreement under which the charge may be paid as mutually agreed to by both parties. A copy of the settlement agreement shall be delivered or mailed to the customer upon request. As of this date, no mutual settlement has been agreed to by either of the two parties. Sprint does not appear to be in violation of this rule in that the company offered a proposed settlement agreement to the customer. Staff has attempted to negotiate an acceptable settlement agreement; however neither party was able to agree to any terms proposed by Staff.

Staff has discussed this complaint with Sprint officials and Mr. Hicks. In addition Staff contacted Mr. Jim Levin at the University of Missouri, who conducted the mediation with this complaint. Staff also received the disability and financial background from Ms. Catherine Quinn, a social worker with Human Development Corporation that has been working with Mr. Hicks to resolve his financial problems. Staff believes Sprint has complied with all applicable Commission rules pertaining to the disconnection of telecommunications service. Based on this conclusion, Staff recommends the complaint be dismissed.

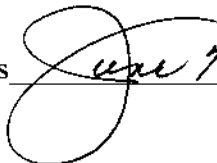
I certify that I have read the foregoing statement and the facts therein are complete, true and accurate to the best of my knowledge and belief. I recommend that TC-2004-0442 be dismissed.


Mick Johnson

Subscribed and sworn to before me this 28th day of June, 2004.


Notary Public

My commission expires

 June 7, 2008

