

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE
STATE OF MISSOURI

FILED

NOV 29 2004

Name: Susan K Foster representing Lula Fabyanic
Complainant)

Missouri Public
Service Commission

vs.)

Case No.)

Company Name: VarTec Telecom, Inc
Respondent)

COMPLAINT

Complainant resides at 1199A Runabout Drive, Osage Beach MO 65065
(address of complainant)

1. Respondent, VarTec Telecom, Inc
(company name)
of 1600 Viceroy Dr, Dallas TX 75235
(location of company), is a public utility under the
jurisdiction of the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

SEE ATTACHMENT #1

3. The Complainant has taken the following steps to present this complaint to the Respondent:

SEE ATTACHMENT #2

WHEREFORE, Complainant now requests the following relief:

SEE ATTACHMENT #3

11-23-04
Date

Suit ~~Order~~ for Lola Fabyanic
Signature of Complainant

Attach additional pages, as necessary.
Attach copies of any supporting documentation.

ATTACHMENT #1

Account #'s: S000085630 and 11-1000085630

Telephone #: (573) 348-5188

AS THE BASIS OF THIS COMPLAINT, COMPLAINANT STATES THE FOLLOWING FACTS:

INCIDENT #1

On April 21, 2003 a request was made to Vartec to have service disconnected from the old address (RR2, 3114) and reconnected to a new address (RR2, Box 3046), which is physically located on the same road (Lake Road 54-63), approximately ½ mile before the old address. Vartec stated at the time of the call that only 2 weeks notice was needed (requested date was for May 21, 2003). When the new owners took possession they requested their new service be with Southwestern Bell. The disconnect from Vartec and connect for new owners was June 7.

Service was not reconnected to the new address for eight weeks from requested date.

Twenty-five plus calls were made to Vartec prior to me becoming involved with this situation. Each time telephone service was promised but never happened. The excuse given by Vartec was always SWB did not recognize any location (whether it be physical, address or otherwise). Vartec leases telephone lines from SWB. They (Vartec), in turn, contract SWB to do all service, repairs and transfers for them. With each obstacle Vartec presented, we, in turn, researched and found a workable solution. They continually fabricated more unacceptable excuses for the lack of connected service. We made contact with the Engineering Department at SWB and confirmed that SWB did, in deed, have a correct physical address and that service, from their viewpoint, could be completed immediately upon completion of Vartec's paperwork.

Vartec was given the telephone number next door, to which they stated that number absolutely could not be in the same area, according to their records. They were given two more phone numbers, both located across the street, to which, again, they stated those absolutely could not be in the same area, according to their records. Then they were given Ameren UE's (the electric company in the area) pole number where the telephone line was coming across the street from. Again, Vartec's response was they still did not have enough information to find the specific location for service to be connected.

See **"ATTACHMENT A"** – this is an e-mail correspondence between Debra Bedwell at Vartec and Debbie Easterla from SWB.

In addition to inconveniences already stated, Ms. Fabyanic is a senior citizen who is physically disabled with a heart condition. Two separate documents, both signed by a medical doctor, were faxed to Vartec at their request to expedite installation of service. The second request was received on June 25 and service was promised to Ms. Fabyanic within 36-48 hours due to her medical condition.

Please be reminded that this promise had already been made when services was initially requested 6 weeks earlier.

On July 7 at 8:30 a.m. Ms. Fabyanic called Rhonda at Vartec (866 817-9141 x4515). Ms. Fabyanic was told service would be hooked up on July 9. At approximately 12:30 p.m. the same day Vartec called her and said the date had been set back to July 14 due to July 4 holiday. I called Rhonda and discussed with her all the delays and excuses Ms. Fabyanic had been given for the past 8 weeks as to why her phone service had not been connected. Rhonda's remarks were "sorry but....". I then asked to talk with Rhonda's supervisor (Sue Smith) who told me the records did, in fact, note that Ms. Fabyanic had medical problems and needed a phone. Sue said she would contact SWB to expedite the order. I told Sue that if I had not heard from her by 5:00 pm, I

would call her back. At 5:00 pm when I had not heard from Vartec I called and was told by Crystal that Sue was not available. I was put on hold and eventually Sue did come on the line. She stated she had talked with SWB and service would be connected on July 9. As soon as Vartec got a "return" from SWB they will confirm with me that the service would be hooked up. Sue said she would return my call by 7:30 am on July 8 to update me. Sue did not return my call on July 8 so at 8:10 am I called and was told Sue was scheduled to be in at 8:00 but was not in yet. I was again told that SWB was contacted and the work would be completed on July 9. A call was placed to Russ Ojers in the Regulatory Department of Vartec at 800 385-8832 x1648 at 4:45 pm. He stated he would call me back to confirm service would be connected on July 9, which he never did.

The Missouri Public Service Commission was contacted (800 392-4211) and Tracy Leonburger was assigned to the case.

PCS contacted Vartec and talked with Paul Thies, Director of Public Relations in Corporate Communications. Mr. Thies called me to discuss the matter and said he would check into all the delays in getting phone service and would return my call, which he never did. On July 21 Landon Atchison called me and said he had received a media complaint from Mr. Thies regarding this situation. Several messages were left for Mr. Thies to return my call (July 22, July 24 and August 4). Again my calls were never returned.

On July 9, 2003, Ms. Fabyanic's phone service was finally connected.

Vartec eventually issued a \$230 credit for all the inconveniences, problems, delays, hassles and worries of not having access to a phone for 8 weeks. This credit did show up on the bill dated August 14, 2003. The credit consisted of a \$30 transfer of service fee, which was waived, and \$200 compensation.

INCIDENT #2

A call was made to Vartec on September 15, 2004 to have service transferred from RR2 Box 3046 to the new address. The requested date for disconnect/reconnect was October 1, 2004. When this request was made, Vartec was informed of problems encountered in May/June/July, 2003 with having this same service completed.

On Wednesday, September 29 (2 days before service was suppose to be connected), Mr. Leonard Harris from Vartec called Ms. Fabyanic and said they were having problems getting into the SWB computer system for the transfer. He then called back and asked for specific directions and they needed a phone number in the general area so they could trace it. A number was given to them which was across the street from the disconnect address (573 348-5583). Mr. Harris did confirm that particular phone number was on Lake Road 54-63 but they still needed more specific directions to the location. (He was told the physical address: Lake Road 54-63; ½ mile on left side of road; the only new construction in the immediate area). This particular conversation lasted approximately 1 hour. A message was left on the answering machine later that day from Mr. Harris saying the order will be put into the computer on Friday (October 1) and Vartec could not place the order until Monday, October 4. The earliest possible date for service to be connected would be Wednesday, October 6.

Vartec was reminded that Ms. Fabyanic was a disabled senior citizen with a heart condition. Her doctor, once again, faxed, at Vartec's request, a need for her to have access to a phone at all times due to her medical condition.

On Thursday, September 30 I called Angelic with Vartec at (866 817-9141) to discuss Ms. Fabyanic's service being connected. I asked to be transferred to a supervisor. At that time I was put on hold which lasted 20 minutes and then I was disconnected. When I called back and once again talked with Angelic she stated the order would be given to the "Escalation Team" on Monday and there was nothing more that could be done.

Also on September 30, I contacted the President's office at Vartec (888-407-3649) and spoke with Landon Atchison who stated the situation was in SWB hands and there was nothing Vartec could do. I called SWB Customer Service Department (800-464-7928) and was directed to SWB Executive Offices. I spoke with Ms. Ronnie Jones (800 283-6407). The only comment from her was "we are not allowed to discuss another companies accounts" and would not talk with me anymore.

Contact was made once again made to the Missouri Public Service Commission (800 392-4211) on September 30, 2004 and Cecelia Barr was assigned to the case. Ms. Barr said she would make some phone calls and get back with me, which she did. She stated she had made contact with Nicole at Vartec to get Ms. Fabyanic's phone service connected. Nicole told Ms. Barr that service would **DEFINITELY** be hooked up on Friday, October 1, 2004 before 5:00 p.m.

When service had not been hooked up and no one had contacted Ms. Fabyanic about the service by 4:00 p.m. on Friday, again a call was placed to Vartec. Their response, once again, was they could not do anymore until SWB got the information entered into their computer – Vartec would pass the order on to their "Escalation Team" on Monday. I continued to make many calls to Vartec customer service department (800-708-7395) Friday evening to try and make contact with a supervisor. I was told there was no supervisor available. This continued until approximately 8:00 pm at which time the service department closed.

Ms. Fabyanic did move into the new location on Saturday, October 2 without phone service.

Starting at approximately 2:00 pm on Saturday, October 2, there were at least 25 phone calls to Vartec to try and get in touch with a manager or supervisor to expedite this service as Ms. Fabyanic was living in her house without phone service, all to no avail. I

was continually told there was no supervisor or manager available (nor was there a supervisor or manager on call to handle emergency situations as this) and the information will be passed on to the "Escalation Team" on Monday.

Service was connected to Ms. Fabyanic's place of residence on Monday, October 11, 2004. I might add the service line was not buried nor was it strung from pole to pole. It was laid on the ground for cars to run over until a later date when it would be buried. Ms. Barr was contacted with this information. A vehicle, presumably from PCS was noticed in the area, later that same week.

On Sunday morning, October 17 SWB came and buried the telephone line from the pole to Ms. Fabyanic's residence.

Ms. Fabyanic received 3 letters by mail from Vartec (see **"ATTACHMENT B"**). The first two letters were both dated the same date (October 4, 2004). All three letters were a form letter saying the same thing.

On October 25 Vartec called Ms. Fabyanic to schedule a date to have the line buried. When she told Vartec it had been buried on October 17 they were astonished. Again they called back on October 27 just to verify it had been buried.

Ms. Barr contacted me around October 27 saying Vartec had contacted her stating they would be issuing a credit to Ms. Fabyanic's account in the amount of \$53.52.

Due to Ms. Fabyanic moving and changing addresses, some of her mail has not been forwarded to her new address. On November 20 she received her first bill for service at her new address (the post office forwarded her mail to her as the bill still has the old address on it). Although she gave Vartec the change of address the first of many times on September 15, Vartec continues to send her bill to RR2 Box 3046. The correct address is 1199A Runabout Road, Osage Beach Missouri 65065.

The date of this bill was November 14, 2004 to cover the period of November 14, 2004 through December 13, 2004. The last bill Ms. Fabyanic received prior to the November 20 bill was on approximately September 20 to cover the period of September 14, 2004 through October 13, 2004.

ATTACHMENT #2

THE COMPLAINANT HAS TAKEN THE FOLLOWING STEPS TO PRESENT THIS COMPLAINT TO THE RESPONDENT:

As explained in the previous response, numerous contacts were made to Vartec by Ms. Fabyanic, the PSC and myself with regards to having phone service connected not once but twice, both with the same outcome. Service was promised on a specific date, which was not fulfilled. In the first incident phone service was connected 8 weeks later. The second incident took 10 days from the promised date.

ATTACHMENT #3

WHEREFORE, COMPLAINANT NOW REQUESTS THE FOLLOWING RELIEF:

#1

- a) Vartec's company policy be amended to the point that after a customer has made 2 or more verbal complaints to the company, a supervisor/manager, etc...be made aware of the situation and personal contact be made with the customer by a supervisor/manager, etc... to rectify the situation(s).
- b) Special provisions to have a supervisor/manager, etc... on call at all times to assist customers in need.
- c) A specific team be appointed to deal directly with customers that have special needs whether that be medical, disability, senior citizen or any other individual circumstance that requires additional assistance.

#2

The credit to Ms. Fabyanic's bill should be equal to if not greater than the first credit given to her (\$200.00) for this being the second incident.

#3

A reimbursement from Vartec to Ms. Fabyanic be made in the form of a check payable to her in the amount of \$500.00 as restitution.

ATTACHMENT A

Cheryl Thornburg

From: EASTERLA, DEBRA A (SWBT) [de0591@sbc.com]
Sent: Wednesday, June 25, 2003 3:19 PM
To: 'cthornburg@mail.osagebeach.org'
Subject: RE: Info for Cust Lula Fabyanic

You're Welcome!!!

-----Original Message-----

From: Cheryl Thornburg [mailto:cthornburg@mail.osagebeach.org]
Sent: Wednesday, June 25, 2003 3:00 PM
To: EASTERLA, DEBRA A (SWBT)
Subject: RE: Info for Cust Lula Fabyanic

Thanks Deb..I forwarded your message to dpbedwel@excel.net, Debra Bedwell, which is the service rep at Vertec Services out of Dallas Tx that has been trying to get everything done for Mrs Fabyanic...She said THANKSSS..Me too!!!

-----Original Message-----

From: EASTERLA, DEBRA A (SWBT) [mailto:de0591@sbc.com]
Sent: Wednesday, June 25, 2003 1:59 PM
To: 'cthornburg@osagebeach.org'
Subject: Info for Cust Lula Fabyanic

Good Afternoon!!!

After lots of phone calls (& phone tag) Here is the info that should get Lula Fabyanic her phone service!

GSgt 834

AHN-957 LAKE RD 54-63

Her terminal address is - P 12 rl 1056

next dr to 348-6683 which is AHN-878 LAKE RD 54-63

If they will not help her, have them add me on the line!

The telephone number was shown disconnected on 6/5/03 on a C661451 (I don't know why it was a C order).

Thanks for your support!

Debbie Easterla
Manager-Engineering Design
4 S Oak
Eldon, MO 65026
573-392-9881

ATTACHMENT B



October 10, 2004

Lula Fabyanic
Rr 2 Box 3046
Osage Beach MO 65065

Dear OneChoiceSM Customer,

VarTec Telecom, Inc. has recently made several attempts to contact you regarding your OneChoice service order. We are unable to complete your order without additional information, and regret that your original request will be cancelled within 20 days if this information is not received.

Please call our Local Provisioning Resolution Center at 1-866-817-9141 within 20 days from the original order request, so we may process your order. We apologize for any inconvenience this may cause.

If you have recently contacted our Order Resolution Center due to a phone message received for additional information needed and resolution was provided by our team, please disregard this request.

Thank you again for being a valued customer, and we look forward to your continued business. Our goal is to provide you with prompt attention and the best service possible.

Sincerely,

VarTec Telecom, Inc.



Commissioners

STEVE GAW
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

JEFF DAVIS

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

ROBERT J. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

October 26, 2004

Ms. Susan Foster
35808 E. County Line Road
Lone Jack, MO. 64070

Dear Ms. Foster:

This letter is in response to the complaint (C200503099) you filed against Vartec on behalf of your Mother, Lula Fabyanic, and your indication that you wish to file a formal complaint.

A formal complaint must be filed in written form **including an original and nine (9) copies** addressed to **Secretary of the Missouri Public Service Commission, ATTN: Data Center, P.O. Box 360, Jefferson City MO 65102-0360**. After filing, the Commission will give the company thirty (30) days to either satisfactorily resolve the complaint or respond in writing with the company position. If the complaint is not settled and the company responds denying the allegations, the Commission may order the Staff to conduct an investigation and may schedule a hearing.

The Commission is a regulatory body to make sure that the company is not in violation of the State Code of Regulations or the Company's approved tariffs. The Commission is not a court of law and therefore has no judicial powers. The Commission ruled in Case No. EC-99-87 that:

"The Public Service Commission is an administrative body only, and not a court, and hence the Commission has no power to exercise or perform a judicial function, or to promulgate an order requiring a pecuniary reparation or refund." State ex rel. Laundry, Inc. vs. Missouri Public Service Commission.

The hearing is very similar to a trial in a court of law. At the time of the hearing, state law requires that you present evidence, which will substantiate your claim against the company. The company also will be given the opportunity to present evidence discounting your claims. All parties, including the Commission's Staff, will have the opportunity to cross-examine the other parties witnesses. Further, any person as defined in 4CSR 240-2.010(11), other than an individual must be represented by an attorney.

Ms. Susan Foster
October 26, 2004
Page 2 of 2

Please note further filing requirements in the enclosed Chapter 2 - Rules of Practice and Procedure.

Sincerely,

Cecilia Barr

Cecilia Barr
Consumer Services Specialist

/cb

Enclosure: Chapter 2 – Rules of Practice and Procedure and Formal Complaint Form