

Service Date: November 17, 1994

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE COMPLAINT OF)	UTILITY DIVISION
Brock M. Weidner,)	
)	
Complainant,)	
)	
-vs-)	DOCKET NO. 94.3.15
)	
PTI Communications,)	ORDER NO. 5787a
)	
Defendant.)	

FINAL ORDER

1. On March 24, 1994, Mr. Brock M. Weidner filed a Complaint against PTI Communications, with the Montana Public Service Commission, regarding a disconnection and billing dispute. The Complaint was designated as Docket No. 94.3.15

2. On April 21, 1994 the Montana Public Service Commission issued a Notice of Complaint, which granted PTI Communications 20 days to file a formal Answer.

3. On May 12, 1994, PTI filed an Answer to the Complaint, denying many of the allegations in the Complaint, affirmatively alleging other facts, and requesting that the Complaint be denied.

4. On May 24, 1994 the Montana Public Service Commission issued a Procedural Order in this Docket, including a procedural schedule.

5. Pursuant to the procedural schedule, PTI filed a Motion to Dismiss the Complaint on August 22, 1994, on the grounds that it fails to state a claim upon which relief may be granted. PTI alleges that the only relief sought in the Complaint is in the form of punitive damages and monetary damages; and, the Commission lacks the legal authority to award such damages.

6. The Commission was recently informed that the Complainant, Mr. Brock M. Weidner, has permanently relocated outside of the state of Montana. In addition, Mr. Weidner has failed to file any response to PTI's Motion, which was required on or before September 9, 1994 by the procedural schedule.

CONCLUSIONS OF LAW

1. PTI Communications is a public utility offering regulated telecommunications services in the State of Montana. § 69-3-101, MCA. The Commission has authority to supervise, regulate and control public utilities. §69-3-102, MCA.

2. The Commission properly exercises jurisdiction over PTI's Montana operations pursuant to Title 69, Chapter 3, MCA.

3. The PSC has provided adequate public notice of all proceedings herein and an opportunity to be heard, to all inter-

ested parties in this Docket. Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

ORDER

NOW, THEREFORE, based upon the foregoing, it is hereby ORDERED as follows:

1. Based upon the Complainant's failure to appear, his Complaint is hereby DISMISSED without prejudice. In granting this dismissal, the Commission is not expressing any opinion on any of the substantive issues raised in the Complaint.

2. This Docket is closed.

Done and Dated this 14th day of November, 1994 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY MCCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.