

Service Date: September 27, 2000

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

* * * * *

IN THE MATTER of the Complaint)	UTILITY DIVISION
of Customer Carpets,)	
)	DOCKET NO. D99.4.89
Complainant,)	ORDER NO. 6224b
)	
-vs-)	
)	
U S WEST Communications, Inc.,)	.
)	
Defendant.)	

ORDER ON RECONSIDERATION

Background

1. On August 30, 2000 the Montana Public Service Commission (Commission) issued Final Order No. 6224a in this docket, dismissing the complaint of Customer Carpets, Inc. (Customer Carpets). On September 5, 2000 the Commission received a letter from William Fleischman of Customer Carpets indicating that Mr. Fleischman is "deeply troubled" by the Final Order. The Commission considers the letter a motion for reconsideration of Order No. 6224a.

Discussion

2. In his letter Mr. Fleischman makes three substantive objections to the Final Order: 1) The records show that no written estimates were given to Customer Carpets in violation of ARM 38.5.3330; 2) No invoice for unregulated charges was given to Customer Carpets, before or after the work was done; and 3) No penalty exists to "punish U S West for their transgressions." The Commission will address each of these objections.

3. First, the Commission indicated in its Final Order that the issue in this proceeding is whether U S West complied with ARM 38.5.3330 when it initiated service for Customer Carpets. Order No. 6224a, para. 6. ARM 38.5.3330 does not require a written estimate for tariffed charges. The relevant part of the rule is the first sentence of paragraph (1)(a), which requires notice, but not written notice, of the charges for the regulated service provided to Mr. Fleischman. It appears from the record that notice of

the regulated charges was provided to Mr. Fleischman. Order No. 6224a, para. 9. Therefore, no violation of the rule occurred.

4. Second, it is true that U S West did not leave an invoice after performing the work. But the failure to leave an invoice violated U S West policy, not Commission rule. Order No. 6224a, para. 11.

5. Finally, it is not true that no penalty exists for a utility violating Commission rules. But in this case, if any rule violation occurred, it was not serious enough to warrant seeking a penalty.

6. In dismissing this complaint the Commission does not conclude that no errors were made by U S West. The provision of service for Customer Carpets could have been handled better, primarily by making it very clear to Mr. Fleischman the approximate total cost of the service ordered. A significant part of Mr. Fleischman's ire seems to have been caused by surprise at the amount of the bill for the services. U S West should strive to avoid such customer surprise by making the cost of service very clear up front.

Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to §§ 69-3-102, 69-3-103, 69-3-321 and 69-3-330, MCA.

Order

1. Reconsideration of Order No. 6224a is denied. Order No. 6224a is affirmed.

DONE AND DATED this 12th day of September, 2000, by a vote of 5 - 0.

BY THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter. Judicial review may be obtained by filing a petition for review within thirty (30) days of the service of this order. Section 2-4-702, MCA.