

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Melody Sue Moss,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. IC-2015-0286</u></b>
	)	
Windstream Missouri, Inc.,	)	
	)	
Respondent.	)	

**STAFF REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission, and hereby respectfully submits its Report in this matter.

1. On May 5, 2015, Melody Sue Moss filed her Complaint against Windstream. Since that time, she has made multiple filings and submissions, the Staff has reviewed and reported to the Commission about her complaint, and, after a prehearing conference, Windstream moved to dismiss the complaint.

2. The Commission established a requirement that Ms. Moss respond to the Motion to Dismiss, which was extended to February 1, 2016. Ms. Moss has not filed a substantive response, despite receiving the extension and verbal reminders from Staff Counsel (Ms. Mueth) of the deadline.

3. The Staff reviewed and discussed this matter extensively and has concluded that this matter should be dismissed. The basis for this determination is not just that a deadline has passed, but that Ms. Moss has not stated a claim the Commission may address.

4. The substance of Ms. Moss's complaint is that her telephone shocks her when she uses it. She asserts that these shocks are life-threatening. The Staff's expert

inspected her service lines and the bonding and grounding of the network interface device ("NID"). He concluded that the telephone was not shocking her. Stated another way, if Ms. Moss is being shocked while she is on the telephone, something other than her telephone is shocking her.

5. There is no relief the Commission can grant to address Ms. Moss's complaint. Windstream, the Staff and Judge Jones have all advised Ms. Moss that the Commission cannot award monetary damages. Although Ms. Moss believes that moving her NID may alleviate the problem, both Company and Staff experts have concluded that moving the NID to any other location at her home would make the telephone less safe.

6. Ms. Moss has not, to date, put in a formal request that her NID be moved at her expense. The Staff supports Windstream's requirement that she make a formal request and payment prior to any work on the NID, although the Staff's position is that the NID should not be moved, for safety reasons.

7. For all these reasons, the Staff has determined that this is the proper time to dismiss Ms. Moss's complaint, for failure to state a claim on which relief can be granted. Although the complaint could be dismissed for failure to timely response, such a procedural dismissal is likely to invite refiling, whereas a substantive dismissal is less likely to do so.

**WHEREFORE**, Staff submits this Report.

Respectfully submitted,



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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by email, or mailed, First Class, postage prepaid, to all counsel of record this 4<sup>th</sup> day of February, 2016.

