

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 2nd
day of September, 1997.

Floyd E. Wood, 10702 Manchester,)	
Kirkwood, Missouri 63122,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-96-250</u>
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	
)	

ORDER DISMISSING COMPLAINT AND CLOSING CASE FILE

Floyd E. Wood (Complainant) filed a complaint with the Public Service Commission (Commission) against Southwestern Bell Telephone Company (SWBT) on February 5, 1996. The Commission issued a Notice of Complaint and SWBT filed its answer on February 29, 1996.

Complainant alleged that SWBT disconnected his phone in December of 1995 for nonpayment of phone charges incurred for long distance calls placed following his September 1995 phone bill. The Complainant stated that he was charged for these long distance calls in violation of a restriction he had placed on his phone service.

In its answer, SWBT admitted most of the allegations, but asserted that the unpaid bill which resulted in the termination of service to Complainant included calls direct-dialed from his residence which Complainant did not dispute. SWBT alleged that these calls were authorized.

The Commission issued an Order Directing Staff Report on November 22, 1996 directing the Commission Staff (Staff) to investigate the complaint and report to the Commission by no later than January 22, 1997. The Commission's November 22, 1996 Order Directing Staff Report dismissed the portion of Complainant's complaint seeking a refund of long distance charges that he paid under protest for the period of September 1, 1995 to December 31, 1995, and seeking punitive damages in the amount of \$5,000, because the Commission lacks jurisdiction to grant this relief. The only issue remaining in this case is whether SWBT has addressed Complainant's problem in a manner which will prevent the recurrence of unauthorized toll service at the Complainant's residence in the future.

Complainant alleged that he had instructed SWBT via a letter dated May 2, 1989 to restrict his phone service to eliminate outgoing long distance calls and incoming collect calls, and that SWBT violated his instructions by permitting long distance phone calls to be placed from the Complainant's number in September, October, November and December of 1995. The Complainant alleged that he made no attempt to remove the restriction following his 1989 letter. On December 22, 1995, after discovering that someone had instructed SWBT by telephone to reinstate Complainant's long distance service, Complainant wrote to SWBT to pay the charges under protest and to request a refund or credit for the charges incurred. Complainant takes the position that a letter should always take precedence over an oral request.

SWBT admitted that written instructions had been received from the Complainant in 1989 to stop long distance service. However, SWBT further alleged that it received a call from a person identifying himself as the Complainant on August 22, 1995. This caller requested that the service be

reinstated and the restriction be lifted. SWBT alleged that it was never notified that Complainant would only allow written instructions concerning changes on his account to be effective following his written letter of May 2, 1989. SWBT nevertheless reinstated Complainant's account upon receipt of payment for the long distance charges and reinstated his restrictions without imposition of nonrecurring charges.

Staff filed a memorandum on January 8, 1997, recommending that the complaint be dismissed. The Staff contacted both SWBT and the Complainant to investigate the matter. The Complainant informed Staff that the reason he wanted the toll restriction was to prevent his handicapped son from making and accepting long distance calls. SWBT informed Staff that, although it did not credit Complainant's account for the long distance charges incurred in September through December of 1995, it did reinstate the restriction requested by the Complainant free of charge. SWBT also issued the Complainant a code word that will have to be used by any person who may attempt further changes to his account. The Complainant stated to Staff that there had been no recurrence of the problem since he and SWBT agreed to use a code word.

The Staff also investigated SWBT's standard operating procedure for establishing or removing toll restrictions. SWBT informed Staff that it permits customers to add or remove services by phone call or letter. When customers make such requests by phone call, the SWBT representative verifies verbally that the request is being made by the customer, or an agent of the customer such as a spouse or other family member, by asking the caller questions regarding the account, such as the name or names on the account or the billing address. A password requirement for requesting further changes in service may be established at the request of the

customer. Staff examined SWBT's General Exchange tariff and concluded that these policies are reasonable and do not violate the terms of the company's tariff.

The Commission finds that SWBT acted in accordance with its approved tariff in reinstating long distance service to the Complainant's account on August 22, 1995. The Commission further finds that SWBT adequately addressed Complainant's problem in a manner which will prevent the recurrence of unauthorized toll service at the Complainant's residence in the future and the complaint shall be dismissed.

IT IS THEREFORE ORDERED:

1. That the complaint of Floyd E. Wood against Southwestern Bell Telephone Company is dismissed.
2. That the docket in Case No. TC-96-250 is closed.
3. That this order shall become effective on September 12, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton,
Drainer and Murray, CC.,
concur.

ALJ: Randles