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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UCB 17

NORTHWEST WIRELESS,)	
)	
Complainant,)	
)	ORDER
vs.)	
)	
QWEST CORPORATION,)	
)	
Defendant.)	

DISPOSITION: COMPLAINT DISMISSED

On August 6, 2003, Dale DeWalt, on behalf of Northwest Wireless, filed a formal complaint against Qwest. He stated that Qwest charged him for twenty accounts that it later closed and never credited the balances in the accounts. Qwest responds that it did credit his accounts on July 25, 2003. Because Mr. DeWalt's accounts have been credited, the complaint is dismissed.

Mr. DeWalt opened twenty accounts with Qwest. Qwest notes that five of those accounts were in Oregon and fifteen of the accounts were in Washington.¹ Mr. DeWalt stated in his complaint that the accounts were closed on June 10, 2003. Bills dated June 17, 2003 for the five accounts in Oregon reflected outstanding balances:

Qwest Line	Qwest Account	Outstanding Balance
866-266-2609 738	62079027	\$94.88
866-266-2610 739	62073028	\$12.35
866-268-0347 742	62079029	\$12.79
866-268-0348 743	62079030	\$58.87
866-268-0350 744	62079031	\$25.88

¹ ORS 756.040(2) states that the Oregon Public Utility Commission "is vested with power and jurisdiction to supervise and regulated every public utility and telecommunications utility in this state." Because this agency only has jurisdiction over utility matters in Oregon, only the five accounts in Oregon can be resolved by this agency. The Washington Utilities and Transportation Commission has jurisdiction over the disputes regarding the fifteen accounts in Washington, therefore, those disputes do not merit further discussion.

According to Qwest, all accounts were credited on July 25, 2003, and Mr. DeWalt should have received bills with a zero balance in early August.

Mr. DeWalt filed this complaint on August 6, 2003. Qwest responded on August 21, 2003, arguing that the complaint failed to state a claim because the Oregon accounts had been credited and that if Mr. DeWalt had not yet received credited statements, it could provide duplicate bills. Mr. DeWalt replied that he had not yet received his bills with a zero balance.

After a subsequent inquiry, Mr. DeWalt stated in early September that he still had not received bills with a zero balance. Qwest replied "that the accounts had been moved to a database which cannot generate billing statements" in July and that, contrary to its earlier statement, Qwest would be unable to provide those billing statements. Qwest attached an affidavit from a Process Analyst in the Qwest Executive Office, which stated that, although final billing statements are not available for Mr. DeWalt's accounts, its computer database reflects "a zero account balance" for each of his accounts. In addition, Qwest attached copies of the computer screen printouts reflecting a zero balance for each of Mr. DeWalt's accounts.

Mr. DeWalt bears the burden of proving by a preponderance of the evidence that the facts asserted in his complaint are more likely true than not. *See Jackson v. US West*, UC 373, Order No. 99-040 at 4.

Mr. DeWalt's concern that he was being charged for accounts that should have been closed is understandable. Qwest sent him bills for those accounts in June, but apparently never sent him statements reflecting that those accounts had a zero balance or had been closed. From the evidence presented, Qwest seems to have moved its records to a database that does not provide statements for closed accounts – before closing statements could be sent. This was a mistake on Qwest's part and one we hope will not be repeated.

ORDER NO. 03-616

ENTERED OCT 17 2003

The computer screen printouts are evidence that the accounts have been closed and that Mr. DeWalt does not owe any money on those accounts. There is no need for further proceedings, and the complaint is dismissed.

IT IS ORDERED that the complaint is dismissed.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.