STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-45

March 13, 2001

APPEAL OF CONSUMER ASSISTANCE
DIVISION DECISION #2000-9448
Regarding AT&T Communications
Of New England, Inc.

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we uphold the Consumer Assistance Division's decision that AT&T acted according to its filed tariff. However, we also hold that in the future, AT&T must provide both current and former customers with a copy of the terms and conditions that apply to their account upon request.

II. BACKGROUND

On December 15, 2000, Mr. Michael Goding filed a written complaint with the Commission's Consumer Assistance Division (CAD) relating to intrastate toll charges assessed by AT&T. Specifically, Mr. Goding alleged that AT&T changed his intrastate toll rates from $.07 per minute to $.20 and $.40 per minute. Mr. Goding stated that when he contacted AT&T, he was told that because he no longer used AT&T for his interstate toll calls, he was not entitled to the $.07 per minute rate. He was told that at the time he signed up for the $.07 per minute plan in February of 1998, he was informed of the conditions for the plan and that no other notification to him was required. Mr. Goding alleges that AT&T refused to provide him with a copy of the information that was allegedly provided to him in February 1998. Mr. Goding requested that the Commission order AT&T to re-rate the calls.

CAD investigated Mr. Goding's complaint and found that Mr. Goding's rates had been changed in accordance with terms and conditions that were on file with both the Federal Communications Commission (FCC) and the Commission. Accordingly, CAD found that Mr. Goding was responsible for payment of all charges.

III. BASIS FOR APPEAL

On January 2, 2001, Mr. Goding appealed CAD's decision to the Commission. Mr. Goding contends that while AT&T may have terms and conditions on file with the FCC and the Commission, it failed to provide that information to the consumer. Additionally, Mr. Goding contests AT&T's policy of refusing to provide him with a copy

the correspondence allegedly sent to him in February 1998 unless he re-subscribed to AT&T.

IV. DECISION

We agree with CAD that AT&T acted in accordance with its filed terms and conditions. However, we find AT&T's refusal to provide a consumer with a copy of written correspondence to that consumer unless the consumer re-subscribed to AT&T to be an unreasonable practice. This is especially abhorrent in this situation where the customer continued to be an AT&T intrastate customer. In the future, upon request by a current or former customer, AT&T must provide a copy of the terms and conditions applicable to that customer's service as well as any correspondence specifically sent to that customer. In addition, AT&T must re-rate all intrastate calls from November 27, 2000 until Mr. Goding switched to another carrier for intrastate toll service or December 22, 2000, whichever occurred first.

Dated at Augusta, Maine, this 13th day of March, 2001.

BY ORDER OF THE COMMISSION

_____

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.