

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: NANCY HYLTON

DATE: JANUARY 19, 2006

RE: MERLIN AND JUDITH LORDS' COMPLAINT AGAINST RURAL
TELEPHONE COMPANY.

RUR-T-06-01

BACKGROUND

Beginning November 28, 2005, Rural Telephone's customers in Atlanta experienced several outages of both toll and local exchange service. Local service was briefly restored on December 5, 2005, for about two hours but then went out again. Full service was restored on December 7, 2005. There was another outage from December 21 to December 23, 2005. An additional extended outage lasted from December 28, 2005 until January 4, 2006. Rural attributed the delays to several factors, including an inability to reach Company facilities on James Creek and Trinity Mountain due to weather and terrain conditions. The outages and Rural's response to customers raised questions for customers concerning the Company's maintenance of its equipment and its customer service.

A formal complaint was received from Merlin and Judith Lords on December 13, 2005 (Attachment 1); an additional complaint was filed on January 10, 2006 (Attachment 2). This additional complaint included a document titled "Formal Complaint from (208) 864-2158 Customers Uhl and Helge Concerning Rural Telephone Co." The "Uhl and Helge" complaint attached to the Lords' second complaint mentions several issues that are not relevant to the Lords' complaints, and so are not addressed in this memo. The e-mails referred to in both formal complaints filed by the Lords are not attached since these e-mails were sent to the PUC by parties other than the Lords.

Many issues were raised by the Lords. In general, the Lords allege that Rural Telephone has failed to: (1) comply with several PUC Telephone Customer Relations Rules (401-Complaint Procedure, 501-Quality of Service, 502-Response to Service Outage, 503-Repair Service Standards, 601-Directories and Customer Listings, 602-Summary of Rules, 603-Access to Emergency Services); (2) adequately respond to outages; (3) take reasonable steps to provide reliable and adequate service; and (4) provide good customer service.

RELIEF DESIRED BY COMPLAINANT

The Complainants request:

- ♦ A formal apology from Rural to all Atlanta telephone customers for ignoring the needs and rights of customers without any diagnosis of the problem.
- ♦ Action by the PUC to let Rural know its behavior was unacceptable and violated Commission Telephone Customer Relations Rules. The Company should be fined or sanctioned in some way. The matter should be a part of the permanent record for Rural.
- ♦ Refund of December bill since customers were unable to use telephone.
- ♦ Reimbursement for lost income to Merlin Lords because of lost wages.
- ♦ Refund of January bill due to violations of Rules 501-503, Telephone Customer Relation Rules.
- ♦ Require Rural to provide more reliable service and eliminate network congestion (“all circuits are busy” problems).
- ♦ Provide customer service training to Rural staff.
- ♦ Training Rural technicians regarding the proper use of snowmobiles so problems at James Creek and the Trinity sites may be assessed and/or accessed in winter weather.
- ♦ Requiring Rural Telephone to ensure that its Atlanta representative stop calling customers to discuss Atlanta phone business when the representative is drunk.

STAFF ANALYSIS AND RECOMMENDATION

According to Rural, service is provided to 53 telephone customers in Atlanta. During the recent outages, Staff was in frequent contact with the Company regarding actions the Company was taking to restore service. Staff also contacted Rural Telephone regarding issues raised by the Lords’ complaints.

Rural Telephone sent a letter (Attachment 3) to the Atlanta customers on December 15, 2005, outlining the measures the Company took to restore service. The Company apologized for the delay, but believed the conditions in the situation were beyond the Company's control. Nevertheless, the Company waived the next month's local service fee (Residential \$21.63, Business \$40.68).

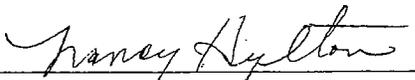
In their complaints, Mr. Lords asked Rural to compensate him for "lost income." As the Commission is aware, it does not have the authority to award damages for lost wages. *Idaho Code* § 61-702.

Based upon Staff's preliminary investigation, it appears that Rural may be out of compliance with several PUC Telephone Customer Relations Rules, including Rules 401 and 602. Questions have also arisen with respect to Rural's response to recent outages and its maintenance of equipment necessary to service its Atlanta customers. Staff recommends that the Commission initiate an investigation into the complaints filed by the Lords. Initiating a formal investigation will allow the Commission to develop a record on which it can base its decision regarding issues raised by the Lords.

COMMISSION DECISION

Does the Commission wish to open a proceeding to examine issues raised in the complaints? If so, does the Commission wish to simply issue a summons to Rural or issue an order initiating an investigation and compel Rural to address identified issues

Something else?


Nancy Hylton

3 Attachments

i:udmemos/dec memo lords rural

FORMAL COMPLAINT
FROM MERLIN AND JUDITH LORDS
CONCERNING
RURAL TELEPHONE CO.

RECEIVED
FILED
2005 DEC 13 PM 2:18
IDAHO PUBLIC
UTILITIES COMMISSION

Ms. Nancy Hylton
PUC
Fax 208-334-4045
E-mail Nancy.Hylton@puc.idaho.gov

December 12, 2005

Dear Ms. Hylton:

As per PUC regulation 054 Rule 54, this is a **FORMAL COMPLAINT** placed by Merlin and Judith Lords concerning Rural Telephone service.

Respondent: Rural Telephone company

Time Period Concerned: 11-28-05 to 12-7-05.

Acts We Are Complaining About and Related Statutes, Rules, Orders or Other Controlling Law Involved:

Our primary reasons for the complaint include the following.

I.

Because Rural Telephone Co. has in the past occasionally said it had no way of knowing when phone service was out in Atlanta, our name and satellite email address was one of several given to Rural Telephone so that said customers could email information to Rural concerning phone outages. The customers' goal was to receive prompt service so that any phone outages were as brief as possible. In the process, we compiled a written track record of complaints to the company and its responses—and lack of—to customers.

According to PUC Rule 401.03, regarding "record of complaints," customers who complained were to have received notification from Rural that the customers could request the Commission to review the phone company's proposed disposition of the complaint. **To date, we are unaware of anyone here being advised of these and other rights described below. We only discovered these rights after reviewing IDAPA 31.41.01.**

According to Rule 601.01c, Rural's phone directory is supposed to include instructions telling customers how to contact PUC about disputes and tell us how to file a complaint

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Attachment 1
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with PUC. Since this information is not provided to us, we had to hunt for the process of filing a complaint. Rural's lack of following the PUC rule made the complaint process difficult. Rural's phone directory also does not provide customer addresses as required in Rule 601.01. The directory displays an extraordinary lack of user friendliness. We bring this up because it is evidence of a lack of customer service. Instead of alphabetizing customers, which customers have repeatedly asked Rural to do, the directory is organized chronologically by phone number. If we knew someone's telephone number, we wouldn't be looking it up. Have you ever tried to find a phone number by looking at phone numbers?

As per Rule 602.01, Rural is required to provide customers a summary of rules approved by the PUC "at least once a year as well as providing them to each new customer upon commencement of service." Neither is done. Nor are the rules provided in the phone directory as specified, "giving the customer the directory and calling the customer's attention to the summary of the rules contained in the directory."

Instead of providing the information required by the rules, please note the December 7 email you have from Rural to doris@joyonthejob.info. Although Rural made it clear they knew the customer was dissatisfied with Rural's response to our concerns, Rural's staff member said she would pass the complaint on to her supervisor. The supervisor never contacted the customer to try to resolve the issue, yet neither the supervisor or the referring Rural staff member advised the dissatisfied customer that she could contact PUC and how to do so, as required by PUC rules.

II.

During the recent very extensive phone outage, emails sent from doris@joyonthejob.info, seminars@emotionalstrength.com and mtelkwood@earthlink.net were sometimes ignored until Rural was prodded by repeat emails to respond. Rural was also reminded by email that the system of emailing Rural via satellite about outages was specifically designed so customers could let Rural know about outages. According to Rule 502.02, ignoring customer pleas for assistance was a violation of Rule 503 on the part of Rural. Rule 502.02 says, "Commitments to customers for repair service shall be set in accordance with Rule 503. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. Failure to meet a repair commitment does not relieve the telephone company. . . ." Furthermore, Rule 503.01 "restoration of service" reads "When a telephone company providing local exchange service . . . is informed by a customer of a service outage . . . the company must restore service within sixteen hours after the report of the outage if the customer notifies the company that the service outage creates an emergency for the customer or restore service within 24 hours after the report of the outage if no emergency exists . . ."

If the telephone company does not restore service within the times required by this subsection the telephone company must credit the customer's account for an amount equal to the monthly rate for one month of basic local exchange service."

Rural seemed to be satisfied that customers periodically had access to local service. Rule 603 is very clear. "In counties where consolidated emergency communication's systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers." You have emails to Rural from doris@joyonthejob.info and seminars@emotionalstrength.com that make it clear that Rural was aware that customers had no access to 911 services or any other long distance related to emergency needs, in spite of the fact that Rural was notified that the customer base includes ill and elderly citizens. In addition, customers had no way to contact the sheriff's office or any other law enforcement personnel.

According to Idaho law and PUC rules, Rural is not allowed to discriminate. Rural is aware that Atlanta customers have no basic services including medical, pharmacy, and other emergency when there is no long distance. In view of Rule 603 and the fact that Atlanta customers could only call each other (fewer than 50 local people) without access to long distance for well over a week, Rural and PUC cannot discriminate by saying "any local service was sufficient." Please also review rules 501 to 504 when you consider this claim against discrimination. (504-600 revised)

Rural also seemed to think that intermittent local service was sufficient. How did they determine that customers had intermittent local service? If this existed, how would customers have been notified by Rural that such intermittent service existed?

III.

Rural did not even send anyone to diagnose the problem for at least a week after they knew that Atlanta phones weren't working. You have in your possession a copy of emails from doris@joyonthejob.info cc'd to mteikwood@earthlink.net and from Rural to doris@joyonthejob.info. Rural clearly stated that it had not even attempted to diagnose the problem, writing "We don't even know if the problem is at Trinity or James Cr . . ." even after outages had been reported to Rural for a week. Rural also never countered the email report of the claim of its field staff member, Sandy Nye, that Rural wouldn't be sending anyone to diagnose the problem until its team members returned from out of state.

IV.

Eventually, after repeated emails, Rural used the excuse that its technicians would have been endangered if they had traveled to the area by snowmobile. **Please note why we feel this excuse is unacceptable.**

- As reported above, the original Rural excuse was that their teams were out of state.
- You have in your possession a copy of emails from doris@joyonthejob.info cc'd to mtelkwood@earthlink.net informing Rural that recreational snowmobilers were traveling James Cr. in and out of Atlanta frequently during the time period of the outage. I.e., snowmobile travel was safe and customers informed Rural of this fact.
- A proposal was made for Bill Uhl, who has repeatedly trained remote rural phone service technicians for T-Mobile, to help as a private contractor. Rural declined to accept assistance even though the proposed contractor would have been operating at his own risk, and as email to Rural indicated, there would have been no potential health or well-being liability for Rural. In fact, Atlanta phone service might have been returned much faster.

Please tell us:

- How was it determined that it was unsafe for Rural staff to travel to the area since a team wasn't sent to the area to investigate? Snow patterns vary across the state. The fact that recreational riders were coming and going with regularity during the time period of the phone outage and were traversing the James Cr. area indicates that the claim that the conditions were too dangerous to traverse is questionable. The snow would have stabilized at least one day earlier than in James Cr. canyon. It was safe to travel *at least by* December 2.
- Did anyone at Rural actually look at the area involved before claiming that it was too dangerous to travel? Did anyone fly over the area?
- What is PUC's official criteria for determining when it is unsafe for Rural staff to travel in snow to do their job?
- Are the Rural technicians trained to travel in snow? Avalanche country?
- If Rural staff are ill-trained, will PUC and Rural take steps to get them training as other phone companies have done? This would mean that Rural staff would be able to be sent to travel in winter conditions, which should be anticipated in this part of the U.S.

V.

Rural misinformed the public. As noted in the Rural email to doris@joyonthejob.info that you have, after a week of delaying diagnosing the problem, Rural staff PROMISED

IN WRITING on Dec. 2 that a team would finally be sent to fix the problem on the weekend of December 3-4. Instead, Rural callously violated its commitment and delayed diagnosis or correction even longer. The team wasn't even sent until Monday December 5. According to Rule 502.02, this was a violation of Rule 503. Rule 502.02 says, "Commitments to customers for repair service shall be set in accordance with Rule 503. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. Failure to meet a repair commitment does not relieve the telephone company. . . ." **In addition to making a promise for service it didn't keep, Rural did not inform customers who had been sending emails that it would not keep the commitment.** Instead, Rural staff waited until repeated additional emails were sent. You have copies of these. **Customers continued to plea for assistance and continued to explain that customers had medical and other needs and that Rural's delay was negatively affecting our lives.** In our case, as the email in your possession from doris@joyonthejob.info cc'd to mtelkwood@earthlink.net indicates, we could not order thyroid medicine we desperately needed by telephone and we live 3 ½ hours from a pharmacy.

Rural also appears to have misinformed PUC. Please see your emails to and from doris@joyonthejob.info when you questioned when phone service was actually resumed versus when Rural said it was. Apparently, you were told that service was back on line the night before (December 6) service was actually resumed (8:45 am the next morning).

VI.

According to Rule 501.01, "quality of service—service standards," Rural is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable . . . to render safe, adequate and uninterrupted service. Broken, damaged or deteriorated equipment must be promptly repaired or replaced and transmission problems must be promptly corrected." Uncorrected service outages, according to Rule 501.02 must be promptly corrected or customer's bills must be appropriately and automatically credited. Regarding equipment, **Rural knew in advance of when they FINALLY acted to send their employees to diagnose the problem that the batteries would take at least a day to recharge. Instead of caring about their customers and sending the guys who would fix the problem with freshly-charged battery(ies)—the size and weight of which makes them easy to carry on snowmobiles—Rural planned in advance for an even longer delay in the phone outage. Rural knew in advance that the batteries would have to be recharged by sunlight. They were also aware that, at the time, the conditions were snowy and cloudy.**

VII.

Rural staff were rude to our family and friends who called them because they were concerned about us and trying to learn when we would have service.

VIII.

It was questioned whether some Rural customers could actually file a complaint even though the customers have a power of attorney to handle all phone business in the account and have been paying the bill (Rural has been accepting the money) for over ten years. Therefore, please answer the following

- Couldn't any citizen who had been in Atlanta at the time of the extensive phone outage have filed a complaint with PUC? If the answer is no, is there a right to discriminate against a visitor or renter? Let's say that a citizen tried to use the pay phone for over a week or was renting an Atlanta dwelling for a month and couldn't make emergency long distance calls for over a week. Is there a right to discriminate against such a person being able to file a complaint with PUC? If not, how would they file a complaint with PUC?

Relief Desired:

- A formal apology to Atlanta phone customers whose needs and rights were ignored for a week without any diagnosis of the problem. These same customers were told the problem would FINALLY be solved on the weekend of Dec 3-4—a week after Rural had been told of the problem. Then Rural chose not to even send a diagnostic or repair team until Dec 5. To add insult to a series of injuries, service did not resume until well over 24 hours later. This was partly because Rural did not even care enough to send charged batteries with the problem resolution team even though Rural staff admitted in the email you have that they knew in advance that the batteries would take at least 24 hours to charge and that weather conditions for recharging batteries were poor at best.
- Action by PUC letting Rural know that its behaviors were unacceptable and violated PUC Rules. Rural Telephone should be fined or sanctioned in some way. Definitely, this matter should become part of the permanent record of Rural Telephone.
- Refund of our December phone bill because we could not use the phone to get essential medications, pay bills, or transfer money from one account to another. Actually, all Atlanta customers should have the amount of their monthly phone bill refunded.

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Formal Complaint Re: Rural Telephone
Dec. 12, 2005

- Reimbursement for lost income to Merlin Lords. Dr. Earl Nauman, Merlin's boss, documented the time the phones were out and that Merlin couldn't do his phone work and therefore lost wages. You are aware of Dr. Nauman's distress about this matter because he also called PUC and complained.

We look forward to hearing what action PUC is taking concerning this FORMAL COMPLAINT.

Thank you,

Merlin and Judith Lords
Rural Telephone customers
P.O. Box 37
Atlanta, Idaho 83601
(208) 864-2122

FROM : Panasonic PPF

This is a
13 page fax
to the
PUC Secretary

**SECOND FORMAL COMPLAINT
FROM MERLIN AND JUDITH LORDS
CONCERNING
RURAL TELEPHONE CO.**

PUC Commission Secretary
Cc:
front@PUC.idaho.gov
or Fax 208-334-4045
E-mail Nancy.Hylton@puc.idaho.gov

January 9, 2006

Dear PUC Staff:

Respondent: Rural Telephone company

Time Period Concerned: 11-28-05 to 1-9-06

**Acts We Are Complaining About and Related Statutes, Rules, Orders or
Other Controlling Law Involved:**

PLEASE NOTE:

Please add this document to our previous FORMAL
complaint concerning Rural Telephone.

Although some of the PUC Rules and Regulations broken
by Rural Telephone are mentioned again in this document,
we are not dropping our previous complaint.

In addition, we have permission from Doris Helge and Bill
Uhl to include all of their emails to Rural Telephone and
to PUC as part of this complaint. This includes all of their
new emails since our last complaint. These have already been
sent to the following PUC addresses:

front@puc.idaho.gov
nancy.hylton@puc.idaho.gov
secretary@puc.idaho.gov

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Page 2
Formal complaint re: Rural Telephone
By Merlin & Judith Lords
1-9-06

It is important for you to incorporate these emails into this formal complaint and it will be easy for you to do so. The emails and the pictures they include document our concerns.

We are hereby including a copy of a 1-9-06 email from Helge and Uhl to PUC, with their permission, in this document. It is unconstitutional and inexcusable that they are being harassed for standing up for their rights to receive the service they are paying for. If Uhl hadn't volunteered to clear the solar panels, with Rural Telephone's permission, Atlanta customers would have had an even longer phone outage. His volunteer effort should have been appreciated by Rural Telephone.

Rural Telephone has a monopoly to provide phone service to Atlanta. It is our only option for local phone access unless we buy a satellite phone. We desperately need the assistance of PUC to ensure that we have reliable access to 911, sheriff's office, and other services. Nowhere else in the U.S. do customers wait week after week, time and again, for phone problems to be corrected. People in Atlanta have medical, emergency, and other needs that make it essential that phone service be reliable.

When I (Judith) spoke to a Rural technician from a Boise phone on December 30, he confirmed that Rural is aware that they have an equipment problem that they are not really fixing. This is contrary to PUC Rules 501-503.

Atlanta phone customers deserve the quality we pay for. We pay first-class rates but we receive poor and unreliable service.

The Rural technician I spoke with on December 30 stated that Rural would be making no attempts to fix the phone problems until January 4. This is contrary to PUC Rules 501-503.

Rural Telephone appears to exaggerate the seriousness of weather conditions that "prevent them from trying to fix the phone system." Here's a recent example. On December 23, Rural was saying they couldn't attempt to fix the Atlanta phones "because they were told by the Elmore County sheriff's office that the road to Atlanta was closed." However, the Elmore County dispatcher recorded a different story. According to the dispatcher, "someone named Bill from Rural Telephone called the Elmore County sheriff's office at 8:43 a.m. on December 23." According to the dispatcher's ledger, the Rural Telephone representative was NOT told by the dispatcher that the road to Atlanta was closed. Even if it

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By Merlin & Judith Lords
1-9-06

had been closed, Rural technicians could have snowmobiled into James Cr. instead of driving to the area to fix the phones.

Instead of working WITH the weather to fix the phones—planning around today's readily available satellite weather reports—Rural seems to adopt a strategy of convenience. Otherwise, why would they generally wait to try to helicopter into the relevant sites until mid-morning? Why would they tell me on Friday December 30 that they would not be trying to fix the phones again until Wednesday, January 4? This is pre-planned irresponsibility. It unduly inconveniences customers. This is contrary to PUC regulations, such as Rules 501-503. Often, it seems that Rural just waits until the weather clears and melts the snow off of the solar panels.

After all of the hullabaloo regarding not being able to get into the Trinity's to fix the phones, when the phones finally came back on after noon on 1-4-06, according to the 1-4-06 email from Rural to Bill Uhl that was cc'd to PUC, Rural still hadn't even gotten to the Trinity site. Since the phones stayed on before Rural ever got to the Trinity site, even a small child can figure out that the 1-4-06 trip to James Cr. was all that was required to fix the outage of several weeks. We should never have had to wait weeks for phones due to violations of Rules 501-503!

Rural Telephone seems to ignore that having the phone service we pay for can actually be life-saving. During our most recent time traveling out from Atlanta, we couldn't call into Atlanta to get an accurate road report. Therefore, we were stuck in Boise instead of being able to return home when we needed to. Traveling to and from Atlanta is different than traveling to and from Caldwell and Boise. One doesn't just get on the road and pull into a motel if road conditions are bad. The citizens of Atlanta deserve phone service that will allow us to get accurate road reports and call for emergency services.

RELIEF DESIRED

Since the phones were not fixed until January 4 and had been out for weeks, **we plea for the PUC to do the following.**

(1)

Require Rural Telephone to refund the base service charge for Atlanta phone customers for the month of January due to violations of Rules 501-503, etc.

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1-9-06

(2)

Require Rural to upgrade their equipment and service. Put in more lines. Even when the phones work, it is much too frequent that callers to and from Atlanta hear "All circuits are busy." This is the modern era. People have computers and faxes. Customers use the phone more, not less. Other phone companies take that into consideration. The traffic into Atlanta also continues to increase, and visitors are shocked and appalled when they consistently can't make calls from here.

Rural Telephone should be required to get better batteries and a better backup power system. This can be done. At the James Cr. site, the police system will last 14 days without sun. There is no reason that Rural can't do something similar. This would be more cost effective, as well as more efficient and reliable than waiting until a helicopter can get into the area. There are ways to design a system with frequent snowstorms in mind instead of trying to wait until the sun comes out and saves the day for the phone company (violations of Rules 501-503).

(3)

Provide customer service training to Rural Telephone staff. I (Judith) worked in retail for many years before moving to Atlanta. Other companies educate their employees regarding how to respectfully deal with the public. This is a *public* utility company. The staff are frequently rude and disrespectful, including when our friends and family call them because they cannot reach us. People only call them because they are anxiously trying to get an update re: when our phones will be fixed.

(4)

Train Rural Telephone technicians re: the proper use of snowmobiles so they can assess problems at the James Cr. and Trinity sites in winter weather conditions. At this point, Rural just says the technicians are unable to deal with the snow conditions so "the problem can't be fixed." Since other companies, such as T-Mobile, train their remote tower technicians to travel in a variety of snow conditions, it is clear that Rural Telephone could do so, without compromising employee safety or efficiency. Recreational riders routinely travel to and through the very areas Rural says their employees can't travel to at the very times Rural says it can't be done. Proper training can correct this situation.

FROM : Panasonic PPF

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1-9-06

Otherwise, it will continue to be true that Rural doesn't even assess the snow conditions before saying the problem can't be fixed, further violation of Rules 501-503.

(5)

Require Rural Telephone to ensure that its Atlanta representative stop calling customers to discuss Atlanta phone business when the representative is drunk.

We look forward to hearing from you soon re: how PUC will address our concerns. **We request a written response indicating that you have received this formal complaint.**

Thank you.


Sincerely,


Merlin and Judith Lords
Rural Telephone customers
P.O. Box 37
Atlanta, Idaho 83601
(208) 864-2122

FORMAL COMPLAINT

**FROM (208) 864-2158 CUSTOMERS
UHL AND HELGE CONCERNING
RURAL TELEPHONE CO.**

PUC Commission Secretary
Cc:
front@PUC.idaho.gov
or Fax 208-334-4045
E-mail Nancy.Hylton@puc.idaho.gov

January 9, 2006

Dear PUC Staff:

Respondent: Rural Telephone company

Time Period Concerned: 11-28-05 to 1-9-06

**Acts We Are Complaining About and Related Statutes, Rules, Orders or
Other Controlling Laws Involved:**

NOTE:

Since Rural Telephone is now sending mail concerning the (208) 864-2158 account to our personal names and is leaving off the word "Shimoda," it is clear that they DO consider us the customers of record. We ARE entitled to file a formal complaint, not just an informal complaint. If you need to see these envelopes, we have saved them as proof that Rural considers us "customers of record."

**I. STATEMENT OF FACTS RE: RURAL TELEPHONE CO. HARRASSING
CUSTOMERS AND DISCRIMINATING AGAINST CUSTOMERS WHO
COMPLAIN ABOUT POOR SERVICE**

As per PUC RULE 402, customers have the right to complain about poor phone service and lack of phone service.

Atlanta phone customers have been without phone service for weeks. The only reason there was any service during at least one of those weeks during the recent extensive outage was because Bill Uhl *volunteered* to clean the James Cr. solar panels *at no cost* to Rural Telephone.

Mr. Uhl did so, with Rural Telephone's knowledge and approval. He was also gracious enough to email Rural a report and pictures. This depicted what he did

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to fix the problem. His pictures showed how easy it was to get to the phone tower that Rural had been saying it was "impossible" to traverse to. Uhl also told the CEO, Mark Martell, in writing that Uhl had discovered how the problem could be fixed in the long term. Martell has never expressed an interest in hearing Uhl's idea for a solution.

The CEO had promised to *personally* check emails during the upcoming period of time, *including holiday periods*, so that Atlantans could tell Rural by satellite internet what the status of Atlanta phones were and report on weather conditions that might influence fixing the phones. All of these facts were documented in emails that were received by both PUC and Rural Telephone.

After Uhl's volunteer effort, Atlanta customers were thrilled—after weeks of phone problems—to have dependable phone service for even a short time. They were grateful to Uhl for his volunteer efforts.

Instead of expressing appreciation to Uhl or asking what he discovered that could solve problems of the Rural Telephone system, the CEO of Rural Telephone took an unfortunate and astonishing approach.

(1)

Rural did not follow through on the CEO's promise to personally read and respond to Atlanta customer emails during holiday periods. As previous correspondence to PUC that was cc'd to Rural has documented, neither Rural nor the CEO looked at Atlanta customer emails regarding this matter. In fact, Rural's email box was so stuffed with unopened mail that the customer email came back "undeliverable because the mailbox was full." As the Rural Telephone technician told the Lords when they called from Boise trying to find out when the phones would be fixed so they could plan their journey into Atlanta, Rural never intended to fix the phones until January 4, *even though the phones had been out for weeks and there was perfect weather to fix the problem way before that time*. These excellent weather conditions were documented in day-by-day pictures emailed to Rural. Delaying attempting to fix Atlanta phones violated Rules 501-503.

(2)

Rural is now harassing (208) 864-2158 customers Uhl and Helge because they complained about service problems. Please see the details below.

FROM : Panasonic PPF

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1-9-06

A.

On January 4, Mark Martell wrote Uhl saying that (208) 864-2158 will now arbitrarily be considered a business, instead of a residential, number. Martell provided the excuse because of an inaccurate "business listing" from something called DexOn-Line.

Since 864-2158 is a residential, not a business, listing, where did the DexOn-Line listing come from? Who submitted it? When? Again, remember that the information is inaccurate. By the way, we were unable to duplicate the search result that Martell sent in his letter when doing a computer search.

In addition, it cannot be overemphasized how discriminatory Martell's actions are. Attacking the customers of 864-2158 because they have complained about poor phone service constitutes blatant discrimination against selected customers. Discrimination is prohibited by the U.S. Constitution, Idaho State Statutes, and by PUC regulations.

If Martell is trying to discover Atlanta customers with residential accounts who really are running commercial businesses, he might first approach retail businesses in Atlanta where customers walk in, pay money, and receive goods and services. For example, check out the following. The Atlanta Post Office uses the same phone number as the Gills private number, 864-2137. During post office business hours, the phone is routinely answered "Atlanta Post Office." This is also the number for Gill's Atlanta Highway District business calls and his construction business. Another retail outlet is the Atlanta Sports Center, 864-2133 (Applegates). There is also cabin rental run by Gerri Perkins at 864-2213. For building contractor Bob Bartemoccia, call 864-2119. A guide business is run by Ron Sherer 864-2140. Is the home phone that rings from Beaver Lodge into Beaver's home when the Lodge is closed listed as residential or business? What about all of the Atlantans who sell firewood retail and provide other retail sales when people call their home phones?

Saying that the customers of 864-2158 are running a retail business out of their home is inaccurate and unfair. Arbitrarily classifying 864-2158 as a business listing is contrary to PUC rules. See Rules 005-09 and 005-10.

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B.

On January 5, Stacy Dickinson called 864-2158 and spoke with Helge telling her she was required to pay a charge Rural put on the November bill that merely said, "U.S. billing charge." Helge replied that she would pay the charge if Rural could prove the amount was owed. Dickinson was very unprofessional and expressed her belief that Helge and Uhl should not have been communicating with PUC concerning dissatisfaction with Rural phone service. This is contrary to PUC Rules, including Rule 403, which states that Rural Telephone is responsible for telling dissatisfied customers exactly how to contact PUC with their concerns. Dickinson actually hung up on the Rural Telephone customer! Since that call, Uhl and Helge confirmed by calling the number on the Rural Telephone phone bill, a Qwest phone number, that the charge should not be paid by the 864-2158 customers. Apparently, since Helge and Uhl never gave Rural permission to be their long-distance service provider and specifically notified Rural years ago who their long-distance carrier is, Rural has absolutely no right to act as the long-distance carrier for 864-2158. In addition, Qwest verified that, when Rural's equipment fails to pick up to a customer's true long-distance provider, it is not the customer's fault. As per PUC Rules, customers are not liable for any related charges incurred by Rural Telephone.

II. PLEA FOR PUC ASSISTANCE TO CUSTOMERS . . . RELIEF DESIRED

The aforementioned Atlanta phone customers seek PUC intervention including the following.

ITEM A.

As per PUC Rules 501 – 503, a written apology and refund/reversal of the January monthly base local service fee to all Rural Telephone Atlanta customers for the following reasons.

- (1)
 Rural Telephone failed to fix the Atlanta phones until January 5 even though the problem had existed for weeks and customers had documented expressions of their concerns and complaints to Rural by email.
- (2)
 The Rural CEO broke his promise to review emails from customers.

FROM : Panasonic PPF

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(3)
Rural ignored excellent weather conditions documented by photos emailed to Rural and cc'd to PUC. The photos documented that the phones could have been fixed earlier. Instead Rural kept its original "convenience" timeline of January 4. This timeline was expressed to Judith Lords on December 30 when she called Rural from the Boise area. Mr. and Mrs. Lords previously filed a formal complaint about Rural Telephone's irresponsibility during phone outages. Further documentation that the phones could have been fixed much sooner includes the following.

- When the phones finally came back on after noon on January 4, they stayed on! Why is this important? According to an email from Rural that was cc'd to PUC, this was before Rural ever went to the Trinity site, so James Cr. appears to have always been the problem.
- Recreational riders and a local trapper continued to traverse into and through the James Cr. area without difficulty during the long phone outage.

Regarding ITEM "A" above, we request the following as per PUC Rules 501 - 503.

(1) A written apology and refund/reversal of the January monthly base local service fee to all Rural Telephone Atlanta customers

(2) That PUC require Rural Telephone to regularly check for email from Atlanta customers and answer such email. This system was established so that customers with satellite internet could alert Rural Telephone about problems. Even though this system was agreed to by both Atlanta customers and Rural Telephone, the phone company sometimes fails to check for messages or respond. For proof that Rural sometimes fails to check for emails as promised, see the emails previously sent to 3 PUC addresses. These emails substantiate Martell's personal promise to check such emails and Martell's failure to do so.

(3) PUC require Rural Telephone follow the timelines established for repairs in Rules 501-503.

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(4) PUC establish a system to determine acceptable weather conditions for repairs to occur. Such a system will prevent Rural Telephone from conveniently saying that weather conditions prohibit them from attempting to repair the phone system—even though they don't travel to the transmitter site to determine weather conditions.

ITEM B

Reversal of inappropriate charges ("U.S. billing") on the phone bill for the account of 864-2158.

ITEM C

Ensure that Rural Telephone staff receive training in customer service skills and an understanding of customer rights as well as Rural Telephone's responsibilities.

ITEM D

Train Rural Telephone technicians re: the proper use of snowmobiles so they can assess problems at the James Cr. and Trinity sites in winter conditions. At this point, Rural uses their technician's alleged lack of competence as an excuse not to make efforts to fix phone outages. We know that other companies, such as T-Mobile, train their remote tower technicians to travel in a variety of snow conditions, which ensures continuous service. It is clear that Rural Telephone could do so without compromising employee safety or efficiency. Again, recreational riders and the local trapper travel to and through the very areas Rural says their employees can't travel to at the very times Rural says "it can't be done." Something is very strange about this picture, and proper training can correct the problem. Otherwise, it will continue to be true that Rural doesn't even assess the snow conditions before saying "the problem can't be fixed until the weather is better." The Atlanta area will have severe winters in the foreseeable future. A responsible company will plan for bad weather and meet associated challenges instead of consistently violating Rules 501-503.

ITEM E

Educate Rural Telephone that it cannot discriminate against customers who complain about their service by attempting to slap a business rate on a residential account (the 864-2158 Uhl-Helge account). Require Rural Telephone

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to reverse any charges related to its punitive and arbitrary re-designation of the 864-2158 account as a business account.

Sanction Rural Telephone for discriminating against customers Uhl and Helge because they complained to the PUC about poor service.

ITEM F

As per Rules 501-503, require Rural Telephone to upgrade the phone system. Rural should be required to get better batteries and a better backup power system. This can be done. At the James Cr. site, the police system will last 14 days without sun. There is no reason that Rural can't do something similar. This would be more cost effective, as well as more efficient and reliable than waiting until a helicopter can get into the area. There are ways to design a system with frequent snowstorms in mind instead of trying to wait until the sun comes out and saves the day for the phone company (violations of Rules 501-503).

Put in more phone lines so that we are not repeatedly told by callers that they receive the "All circuits are busy" signal even though we have call waiting.

ITEM G

Require Rural Telephone to ensure that its Atlanta representative stop calling customers to discuss Atlanta phone business when the representative is drunk.

Finally, to PUC staff, thank you in advance for your assistance in ending harassment and discrimination as well as in improving Atlanta phone service.

We hereby request a written response from PUC indicating: (a) that you have received this formal complaint, and (b) then how these matters will be promptly and fairly dealt with.

Sincerely,



Bill Uhl & Doris Helge
P. O. Box 32
Atlanta, ID 83601
(208)864-2158

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892 W. Madison
Glenns Ferry, ID 83623
(208)366-2614 Phone
(208)366-2615 Fax



Fax

To: Nancy Hilton
Consumer Div.

From: Susan Case

Fax: 334-4045

Pages: 2 (including cover sheet)

Phone:

Date: 12-15-05

Re: Atlanta Outage

CC:

Urgent For Review Please Comment Please Reply

Comments:



892 W. MADISON AVENUE
GLENN'S FERRY, IDAHO 83623
(208) 366-2614 * FAX (208) 366-2615

December 15, 2005

RE: Service Outage
Atlanta Subscribers

Dear Rural Telephone Company Subscriber:

The purpose of this letter is to inform you regarding the resolution measures Rural Telephone Company undertook to restore service to the Atlanta area during the recent outage. First, we apologize for the inconvenience. We understand how important phone service is, especially to remote locations.

The phone service went down on November 30th. Due to heavy snows and the threat of avalanche we were unable to reach the area until Monday December 5th. Although attempts were made, the area was simply impassable even by snowmobile.

On December 5th, engineers and technicians went to James Creek and cleared off the solar panels and checked the battery. Service came up briefly then went down again. There were no open trails so the technicians had to blaze their own trails; which was an all-day process.

On Tuesday, December 6th, arrangements were made to fly to Trinity to clear the solar panels there, however for safety reasons, the pilot refused to fly to due heavy fog.

On Wednesday, December 7th, our technicians flew by helicopter to Trinity and cleared the solar panels. Service was up before noon on this date and has been up since.

We earnestly apologize for the delay in restoring service, however the severe weather conditions made the situation beyond our control. Rural Telephone Company will be waiving your next month's local service exchange fee (Residential \$21.63 / Business \$40.68) as an extension of our sincere regrets.

We appreciate and value your business.

Sincerely,



Mark R. Martell
Administrative Manager

MRM/sec

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