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IDAHO PUBLIC UTILITIES COMMISSION

Page 1
Formal Petition for Reconsideration
of PUC's Response, Order 30306

RUR-T-07-01

**PLEASE SEND A RETURN EMAIL to seminars@emotionalstrength.com
VERIFYING THAT YOU HAVE RECEIVED THIS DOCUMENT.**

Thank you.

To:

PUC Secretary via secretary@puc.idaho.gov
PUC Attorney Weldon Stutzman Weldon.stutzman@puc.idaho.gov
Daniel.klein@puc.idaho.gov

Dear PUC Staff:

We are hereby submitting our "Formal Petition for Reconsideration to PUC's Response, Order # 30306" regarding the matter of Rural Telephone.

FORMAL PETITION FOR RECONSIDERATION
OF PUC'S RESPONSE, ORDER 30306

Submitted on April 9, 2007
By Bill Uhl and Doris Helge (208) 864-2158

Bill Uhl

Doris Helge

We hereby respectfully and formally disagree with the following.

- PUC's position that "Rural Telephone did not improperly reclassify 864-2158 as a business phone line."
- PUC is dismissing the complainant's formal complaint.
- PUC is not following its own Rules and Regulations.
- PUC is allowing Rural to violate PUC Rules and Regulations.
- The complainants have not been given a chance to fix Rural's alleged "oversight" of 9 years ago.

Relevant PUC Rules related to this response, including those violated by PUC and by Rural, are quoted throughout the body of this document.

As you reconsider Order 30306, please note the following.

Page 2
Formal Petition for Reconsideration
of PUC's Response, Order 30306

1.

Rural did not provide a summary of their rules when we signed up for phone service, even though they are required to do so by PUC Rules and Regulations. Rural violated Rule 602.01, which says customers are supposed to receive this information. Therefore, we were misinformed concerning how Rural classifies phone accounts. We assumed the company would classify phones the same way our phone was classified in Texas and in Georgia. We were never given the opportunity to select service classification with the benefit of full information. Note: We only received "Application for telephone service," which is enclosed. It is not the customer's responsibility to guess what is appropriate since Rural never provided the rules and setting up the account in the trust's name (Shimoda) was perfectly okay in two other states.

2.

Rural continues to be in violation of Rule 602.01. We still do not receive the "annual summary of the Rules," as required by PUC Rules. Rural has never provided us with this information.

3.

We respectfully request an explanation regarding how our situation is different than that faced by the AVON saleswoman with her phone number on her business card and flyers. **See the precedent in PUC Case No. U-1038-9 Order No. 18102, the case of the door to door saleswoman who was harassed and discriminated against by a rural phone company. Her primary source of communication was person to person so PUC ruled that having her phone number on her business card and flyers was okay. (Our primary communication is satellite internet, not connected in any way to Rural Telephone. Because everything outside of the tiny town site of Atlanta is long distance, we use the phone as little as possible.)**

More likely than not, other PUC rulings support our position. One would assume PUC would rule in a consistent manner when two cases are similar. **Because PUC ruled in the Avon salesperson's favor and the circumstances are the same as what we are experiencing, it is unfair to rule against us. When PUC rules against us, PUC contradicts its previous case decision.**

4.

Please see IDAPA 31.41.01 011 "Conflict with telephone tariffs or price lists (Rule 11) regarding how PUC ruled in #3 above. According to Rule 11, Rural

Page 3
Formal Petition for Reconsideration
of PUC's Response, Order 30306

cannot create a rule that conflicts with the case decision above because Rural cannot create a rule that denies or restricts customers' rights protected by any PUC rules. PUC rules supercede any conflicting tariff, practices, or price list used by Rural that deny or restrict any of those rights.

5.

It is unfair and discriminatory for PUC to allow Rural time to correct their improperly designed "disconnect notice" used to notify us that our service would be terminated. PUC is not penalizing or reprimanding Rural even though PUC has admitted that the disconnection notice we received violated PUC Rules.

6.

If PUC is allowing number 5 above, why does PUC not allow us the same courtesy to correct the type of phone service we have? (Although we disagree that our original phone classification was improper, allowing us to correct Rural's alleged "oversight" 9 years ago would be fair instead of discriminatory. See Rule 601.01C. Once again, PUC's actions are discriminatory and unfair and in violation of PUC's own Rules.

7.

It WAS discriminatory for Rural to look at our account right after we filed a formal complaint. Please note on page 3 of PUC Order # 30306.

"The Company did concede that reclassification occurred after the Complainants had drawn the Company's attention to their account with their communications with the Company and the Commission Staff."

Any reasonable person or judge would conclude that Rural's account review of 864-2158 was discriminatory. It WAS conducted because we complained about 5 weeks of outages. A reasonable person or judge would also agree that 5 weeks of outages are not a small matter! There was NO reason to look at our account just because we complained, especially since Rural had never found it necessary to review the account during the previous 8 years. There were, however, many reasons for Rural to work to solve problems creating phone outages. Rural went over the Shimoda account with a fine-tooth comb, trying to find a way to retaliate, even though our account was in good standing and payment had always been made on time.

Page 4
Formal Petition for Reconsideration
of PUC's Response, Order 30306

8.

Since PUC allowed Rural to review the 864-2158 account and reclassify our service, **it IS discriminatory for PUC not to require Rural to survey ALL Rural customers to review their current phone usage.** If we are to be governed by an internet search, Rural should be required to do an internet search of **ALL** of its residential customers. Rural should also be required to determine how many residential customers are using their phones to conduct business. And, Rural should be required to investigate and reclassify all Atlanta accounts doing business on a residential phone. In Atlanta, the Atlanta Post Office; consulting, management, cleaning, food preparation, and other work for Pinnacle Peaks Resort; property sales; work for the bar and Lodge; work for the Atlanta Highway District; Boise rental homes; firewood sales; Atlanta cabin rentals; craft sales; cleaning services; laundry services; guiding businesses for hunters; work for the Atlanta water district; eBay sales; Atlanta Sports Center sales business, etc. should all be investigated.

Over 80% of the Atlanta citizens do business out of their homes, but PUC has totally sidestepped the issue of defining how much business use constitutes "primarily" and how this can be proven (certainly not by an internet search).

PUC has allowed Rural to dream up its own method of gaining information regarding customer classification and reclassification . . . and PUC has allowed them to dream up this method AFTER THE FACT.

Plus, the method Rural has devised contradicts PUC Rules. It also contradicts Case # U-1038-9 Order No. 18102.

Rural's method is also discriminatory because it differs from what is used by other Idaho phone companies that DO follow PUC Rules.

Once again, as per the Idaho Public Records Act and/or the Freedom of Information Act, we respectfully request PUC to provide any Rule or Regulation describing the process to determine what is "primarily."

PUC has not responded to our past requests. By law, PUC should provide information requested as per the Idaho Public Records Act.

Discrimination is a serious offense. It is prohibited by the Idaho Constitution and the U.S. Constitution.

Page 5
Formal Petition for Reconsideration
of PUC's Response, Order 30306

9.

Internet search listings do not prove how much business use is occurring on the 864-2158 line. **There is no way that having a phone number on the internet necessarily means that phone number receives even a single business call! It definitely doesn't prove that a phone is used "primarily" for business vs. residential use.** An internet phone listing only shows that someone, somewhere entered information with that phone number, not necessarily the person with that phone number. **PUC's ruling contradicts its own categorization, "PRIMARILY."**

10.

Since PUC does not have a standard that determines how to determine "primarily," its Rules and Regulations are discriminatory and should be eliminated or revised. All customers should be compensated for any and all discrimination that has been forced on them by PUC and Rural.

11.

It is very clear that Rural is not treating all customers equally regarding type of phone use. How many extensive internet searches has Rural done on other customers? If Rural really did change one other telephone account when it changed ours, was the account in Atlanta? If so, why does no one in this 37-person area know whose service was allegedly changed?

Which one of the Atlanta customers that are blatantly doing business with their residential accounts and have a business sign on their building was changed? The people here say they are still classified as residential . . . even though Rural received data over a year ago and recently received pictorial evidence depicting business use of a residential account for business.

Does Rural do an extensive search on new customers (using their previous phone numbers, for example) to determine what type of use they will need?

Has Rural done any internet search at all on any other customers . . . other than us? It certainly appears this does not happen. **Any reasonable person would conclude that doing an extensive search on ONE customer right after they complain about outages for 5 weeks IS discriminatory.** Again, see page 3 of PUC Order #30306.

Page 6
Formal Petition for Reconsideration
of PUC's Response, Order 30306

"The Company did concede that reclassification occurred after the Complainants had drawn the Company's attention to their account with their communications with the Company and the Commission Staff."

Also, please explain how PUC can interpret Rule 11.008 "Exercise of right by customer . . . No telephone company shall discriminate against or penalize a customer for exercising any right granted by these Rules."

As per Rules 401 through 500, customers have the right to complain about poor service (especially when it lasts 5 weeks). However, the first time we formally complained, we were penalized and Rural examined our account in a way they had not done in the previous 8 years.

Retaliation did not solve the phone problems caused at the James Cr. Repeater. It served no purpose. Rural was clearly trying to shut us up regarding our willingness to speak out in the future. They were clearly trying to get us to stop calling attention to the fact the problem drug on for 5 weeks. Rural should know we had the right, under Rules 008 and 401 through 500 to comment that the phone problems weren't being resolved in a timely manner. They only went over our account with a fine-toothed comb for the purpose of retaliation, penalizing us, and discriminating.

Please note: Any company that asks a phone applicant to state their nationality on the application would make a reasonable person suspect that the company may feel comfortable discriminating against some customers. Nationality should have nothing to do with whether or not someone can gain access to phone service. It's our understanding that this type of questioning / discrimination became illegal in the 60s.

It should be obvious to PUC that Rural's actions of going over our account and NOT other phone accounts at the time we complained . . . or since then, for other Atlanta customers . . . constitutes blatant discrimination.

12.

As proven to PUC staff by presenting Shimoda paperwork to office staff (to their satisfaction), **Shimoda is a legal paper person**. It is a legal family trust. A paper person has been recognized by the courts as a legal person. According to the courts, a trust/paper person cannot be discriminated against.

If we are to be treated fairly, since Rural took over 8 years (until after we placed a Formal Complaint) for Rural to determine they didn't like the phone listed in the name of the trust, we should be given the chance to put the account into one of our

Page 7

Formal Petition for Reconsideration
of PUC's Response, Order 30306

names. It is unfair and discriminatory that we are not being given the opportunity to put the phone into one of our names so we can "correct Rural's oversight of 9 years ago" (even though we disagree that our original phone classification was improper).

Again, if Rural had: (1) given any feedback and if they had (2) provided the paperwork they are required by PUC Rule 602.01 to provide when we signed up for service and if Rural had (3) stated they would be initiating their new method of account classification if we complained about poor service, we could have elected to put the phone in one of our names. Again, Georgia and Texas had no problem with listing the residential account in the name of the trust.

As per the Freedom of Information Act and/or the Idaho Public Records Act, we respectfully request a copy of any PUC Rule or Regulation that says that listing a residential account in the name of the trust is "wrong" or violates any Rule or Regulation. Please provide any Rule or Regulation that says that a paper person (a trust) can be discriminated against or treated any differently than another entity . . . if you can.

13.

PUC apparently has not even reprimanded Rural for using the wrong procedure when threatening to disconnect phone service. Since PUC allows Rural to commit such an egregious error, why are we not even given an opportunity to correct Rural's alleged "mistake" of 9 years ago when it is Rural's fault that it did not provide us with the information PUC requires?

Note: We are being penalized because Rural violated Rule 602.01.

14.

Again, some of the internet search listings provided by Rural are far off-base but PUC took them at face value. Just one example: The Billy Uhl Riding School doesn't exist.

15.

Shimoda has never had a Yellow Pages listing as a business in Rural's phone book. We have always told the Dex directory person who called annually, "This is a residence, not a business. We wanted an unlisted phone number but it would have cost an additional monthly fee. Please do not call us again." Yet, each year, they call again. It's annoying.

Page 8
Formal Petition for Reconsideration
of PUC's Response, Order 30306

Thank you in advance for reconsidering PUC's order. We hope you will decide to make the final outcome fair instead of discriminatory. Citizens should be protected from unfair practices of utility companies. PUC should not allow customers to be harassed by utility companies or discriminated against. Discrimination is a serious offense. It is prohibited by PUC Rules and Regulations, the U.S. Constitution, and the Idaho Constitution.

Attachment:

The "application for service" mentioned in this document is being faxed to you so we can keep the original in our files.

PLEASE NOTE:

WE RESERVE THE RIGHT TO AMEND AND PLEA FURTHER

05/29/98 THU 10:51 FAX 208 366 2815

RURAL TELEPHONE

2003

Mailed
6-2-98
Phone

APPLICATION FOR TELEPHONE SERVICE

SECTION 1 - BILLING INFORMATION

NAME: Shimoda
(Last) (First) (Initial)

ADDRESS: % Box 32
Atlanta ID 83601
(City) (State) (Zip Code)

Can be reached at: 281-970-0423

SECTION 2 - EMPLOYMENT

Social Security Number: 82606005 Employer: Self
Position: owner Years with Company: 15 Wk. Phone: 1-800-218-6110
Spouse Name: _____ Social Security Number: _____
Spouse Employer: _____ Years with Company: _____ Wk. Phone: _____
Nationality: _____

Notice that
Rural was
discriminatory
by even asking
the above Q

3 - PREVIOUS TELEPHONE SERVICE

Telephone Company: USID Previous Phone Number: 281-970-0423
Monthly Charges: (Local) 50 to 100

4 - DIRECTORY LISTING INFORMATION

Please read the following choices carefully! This will determine how and if your name(s) will be listed!

NONPUBLISHED NUMBER: The directory assistance operator DOES NOT provide you number to anyone, nor is it listed in any telephone directory.

UNLISTED NUMBER: The directory assistance operator DOES provide your number to asking parties, but it is not listed in any telephone directory.

REGULAR LISTED NUMBER: Each customer is allowed, free of charge, one listing in the Rural Telephone Company Directory. The telephone number is provided to the directory assistance operator for distribution to asking parties.

Which form of Directory Listing do you wish to have? Regular Listed #

How do you wish the listing to appear? Shimoda

05/28/98 THU 10:52 FAX 208 388 2615

RURAL TELEPHONE

004

SECTION 5 - BUILDING TYPE

X House already built
House under construction
Shop or Garage
Manufactured home
R.V. trailer
Other

Note: Phone service is already to the house south side

SECTION 6 - PHYSICAL LOCATION

Please provide a brief description of the location where the service is to be provided. Telephone service WILL NOT BE PROVIDED unless this section is filled out COMPLETELY.

LOT # 6 BLOCK # 3 SUBDIVISION NAME: Atlanta TNST
STREET NAME: Quartz STREET ADDRESS:
NEAREST CROSSROAD: Pine
DESCRIPTION & COLOR OF HOUSE: Plain Wood
ANY SPECIAL DIRECTIONS TO HOUSE: Corner of Quartz & Pine
NAME (if any) OF PREVIOUS CUSTOMER AT THIS HOUSE
CLOSEST TELEPHONE COMPANY PEDESTAL #: Hooked into Box Quartz & Main
NUMBER OF LINES REQUESTED (voice grade): 1
NUMBER OF SPECIAL LINES REQUESTED (data, fax, ect.): 1

SECTION 7 - CUSTOM CALLING FEATURES

Please mark any features that you would like to have added to your line. Depending on the area that you are in, some of these features may not be available at this time. If you would like to know the monthly rates on these features please contact the billing department.

X Call Waiting
Wake up Call
Anonymous Call Rejection
Call Forwarding
Speed Dial
Restrictive Dialing
Last Number Redial
Caller Identification

The subscriber is responsible for their own inside wiring, connecting jacks, and other telephone equipment. If requested, Rural Telephone Company will install these items, although all applicable time and materials will be billed to the customer. Installer fees are \$35.00 per hour for all inside work.

The Rural Telephone Company is required to furnish the applicant, in accordance with its rates, regulations and rules, on file with the State Public Utilities Commission, services and facilities as detailed herein and as may be ordered.

The applicant certifies that the information, as shown herein, is correct and agrees to pay all exchanges, toll and other service charges against this service made in accordance with the provision of the Tariffs, until such time as the applicant notifies the Rural Telephone Company that the service is to be discontinued.

* Applicant's Signature: Shiroda Date: 5-29-98

Note: \$100.00 is being furnished as a Credit Deposit to be refunded plus interest at the end of the first 6 months.

also have service start on June 13, 1998

28/98 THU 10:50 FAX 208 366 2615

RURAL TELEPHONE

002



RURAL TELEPHONE COMPANY

704 WEST MADISON AVENUE
 P.O. BOX 969 • GLENN'S FERRY, IDAHO 83623
 (208) 366-2614 FAX (208) 366-2615

Dear Prospective Subscriber,

Enclosed please find an application for telephone service. It is extremely important that this application be filled out completely. Return the completed application along with your \$100.00 deposit to our business office. If satisfactory credit has been established within six months following commencement of service, your deposit will be returned to you, plus interest.

We encourage you to call our office at any time if you should need assistance in completing this application. You can contact our office by dialing the first three (3) prefixes in your exchange and then 2614. Our customer service representatives will be happy to answer any questions you have and to provide you with any assistance you require.

Our business office is open from 8:00 am to 5:00 pm, Mountain Time, Monday through Friday. After hours calls are routed to an answering machine, so please leave a message and your call will be returned as soon as possible.

FEES:

IDAHO

Line Connection:	\$15.00
Service Order Charge:	10.00
Premise Visit:	40.00

? **Some customers may be eligible for the Idaho Link Up America Program. This program is a 50% reduction of the Local Connection Charge, and is applicable to those customers who meet the eligibility requirements. Contact our business office for details.

MONTHLY SERVICE:

<i>911 Charge</i>	1.00
Residence Service:	\$14.80
Business Service:	20.00
FCC Access Charge:	3.50
Idaho USE Charge:	Bus. .071 Res. \$.03 12¢
<i>State Tax</i>	.03 Tax

Inside Wiring Installation: \$36.00 per hour. This includes labor, material and travel. Please provide five (5) working days prior notice.

We look forward to providing you with the best possible telephone service. Welcome to the Rural Telephone Company System.

Sincerely,

Customer Service Representative