DECISION MEMORANDUM

TO:COMMISSIONER HANSENJOE CUSICK

COMMISSIONER NELSONCAROLEE HALL

COMMISSIONER SMITHBIRDELLE BROWN

MYRNA WALTERSDOUG COOLEY

STEPHANIE MILLERBEVERLY BARKER

DAVID SCHUNKEDAVID SCOTT

DON HOWELLTONYA CLARK

RITA SCOTTWORKING FILE

CHERIE COPSEY

WELDON STUTZMAN

FROM:WAYNE HART

DATE:OCTOBER 16, 1998

RE:COMPLAINT OF ROCKY MOUNTAIN COMMUNICATIONS, INC.

V.S. U S WEST COMMUNICATIONS, INC.; USW-T-98-4.

BACKGROUND

On April 23, 1998, the Commission received a complaint from Rocky Mountain Communications, Inc. (RMC), filed through its attorney Ronald L. Williams, regarding billings that RMC has received from U S WEST Communications, Inc. (U S WEST).  RMC claimed it had been billed for services at rates exceeding the rates on file with this Commission, and the total amount of the excess billings was more than $108,000.  The complaint included a billing analysis compiled by RMC identifying what it maintained should have been the correct charges for the services it received, and what it was billed by U S WEST.

On May 6, the Commission decided to handle this case on an informal basis and directed Staff to report back within two weeks on the progress that had been made in resolving the

issues identified in the complaint.  Staff participated in two conference calls between RMC and U S WEST, and on May 22, 1998 reported to the Commission that significant progress had been made and that resolution of the complaint was likely.

On August 3, 1998, I received a letter from Michael Lukes, the President of RMC, indicating that some of the credits and payments promised to RMC during the conference calls had not yet been provided.  Lukes indicated the total amount of credits and payments not provided exceeded $30,000.  Lukes claimed that U S WEST had failed to designate anyone to replace Ron Anderson, the U S WEST representative who had participated in the conference calls and has since left U S WEST employment, and that RMC has no one within U S WEST to whom they can discuss resolution of the outstanding issues.

A copy of RMC’s letter was sent to U S WEST, with a request for a response to the allegations contained in the letter by August 17, 1998.  U S WEST requested an opportunity to resolve the issues raised in Mr. Lukes’ letter informally, and promised a response within a week.  At the conclusion of the week, U S WEST indicated a contact had been designated for RMC, and provided Staff a copy of a spreadsheet identifying the amounts owed to RMC that had been initialed by both parties.  As this represented significant progress, Staff decided no further action was appropriate at that time.

On October 14, 1998, Staff received an E-mail message from Mr. Lukes maintaining that the payments promised RMC in May (and again in August) had not been received.  In addition, RMC’s latest bill (the second since the August discussions) did not include any of the additional credits promised in the August discussions.

STAFF RECOMMENDATION

Staff believes the latest developments indicate the informal process has failed to resolve the issues raised in RMC’s complaint and recommends the Commission proceed to investigate this matter formally.

COMMISSION DECISION

Does the Commission wish to proceed with a formal investigation of this complaint?

Wayne Hart

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