

the cost of collecting bills through the courts or through collection agencies. The utility's status as a billing agent for both regulated and unregulated services should not be abused by allowing utilities to avoid collection costs for services unrelated to utility service.

Billing and collection revenues are of little benefit to local exchange customers. In Order No. 88-955 (UX 4), at 4, the Commission expressed doubts whether some of these services are telecommunication services. Revenues from unregulated services may not be used to subsidize regulated services. ORS 757.825(5).

Similarly, the utility should not be able to use its unique status as a provider of utility service to collect for its own unregulated services. For example, the utility should not be able to threaten disconnection for failure to pay for customer premises equipment or cable television services. As noted above, the utility could threaten the customer's basic service in order to collect on bills for services having little connection to local exchange service. Disconnection should be limited to failure to pay for regulated services.

The Commission recognizes that limiting authority to disconnect tariffed items may impose some difficulty collecting for services which contribute to utility revenues but are not provided under tariff. Two examples are Yellow Pages and uninsured damage to utility property. The revenues for these services are dedicated to reducing customer rates. Any difficulty in collecting for these services could result in a higher revenue requirement for the utility. However, since these services are not provided under tariff, the Commission has no authority to resolve billing disputes between the customer and the utility which involve the nontariffed services. For this reason, the Commission will not expand the disconnection authority beyond tariffed services.

Several utilities raised points which require additional clarification. First, Telephone Utilities and United requested that the Commission clarify which services are "tariffed" within the meaning of the rule. The utility and the customer should have little difficulty determining which services are tariffed. The tariffs are available at the Commission and are required to be posted at the company offices. There is little reason to list all the services for which nonpayment could result in disconnection. The utility's tariffs should be sufficiently clear to provide guidance to the customer and the utility.

Second, United was concerned about the tariffs to which the rule applies. If United bills for AT&T and U S WEST toll, which are both provided under tariff, may the utility disconnect the customer for failure to pay for those services? The rule will be clarified to specify that it refers to the tariffs of the billing utility providing local exchange service. If intraLATA toll services are provided by U S WEST under joint tariffs with the billing utility, disconnection is authorized.

In contrast, for toll services provided by AT&T, or any other toll provider, which are not provided under joint tariffs with the local exchange utility, disconnection is prohibited.

Payments of Less Than the Total Amount of the Bill Owed

The proposed rule provides that payments for less than the total amount of the bill owed should be proportioned among all services unless the payer specifies otherwise. Telephone Utilities' multi-state billing system cannot make an automatic prorate. As a result, the proposed rule would require hand proration of the bills. In addition, Telephone Utilities and the OITA argue that proration is inconsistent with the provision of telecommunications services. Telephone Utilities asserts that local service is basic to all telecommunications services and payments should be apportioned first to the prospective local service charges on the bill. OITA argues that past due payments for services rendered should be recouped prior to collecting for the local service amount for the succeeding month.

The Commission agrees with the concerns raised by Telephone Utilities regarding the ability to prorate bills. Prorating bills is extremely complicated and, for many utilities, unworkable. The wide range of services, surcharges, and taxes, and the diversity between company billing practices undercuts the practicability of a uniform approach to prorating. The Commission will not require utilities to prorate bills.

The Commission also considered prohibiting local exchange companies from disconnecting customers who make partial payments equal to or greater than the amount owed for basic local exchange service. This provision would protect customers having difficulty paying their bills.

The Commission declines to adopt this provision for several reasons. First, under the proposal a customer could refuse to pay for a tariffed service, such as intraLATA toll,

without concern for loss of basic service. As long as a customer with a large outstanding bill made payments equal to the basic local service charge, the customer would not be disconnected. A utility with toll restriction capability could prevent a customer from running up toll bills, but could not practically collect for the unpaid intraLATA toll.

Second, the ratepayers will ultimately have to pay for the uncollectable amounts. The shareholders will have to absorb the costs initially. In the next rate case, the company will request an increased allowance for uncollectable accounts. The Commission believes customers should pay for service received. Prohibiting disconnection only shifts the cost of the uncollectables from the nonpayers to the payers. Certainly the low-income customers who diligently pay their bills cannot afford to subsidize those customers who do not accept their payment obligations.

Third, the provision discourages use of extended payment arrangements. With the agreement of the company, customers in arrears can enter into extended payment arrangements. Such arrangements allow the customers a reasonable period of time to bring their accounts up to date. Monthly payments under the arrangements will generally be greater than the local service charge. Customers may decide they are better off refusing the arrangement and accepting mandatory toll restriction.

Fourth, the proposed rule operates arbitrarily. There is no demonstration that customers need this type of protection. Customers with adequate resources could delay paying the non-local exchange tariff portion of their bills by making payments just sufficient to cover the basic local exchange service costs. Customers with limited resources can take advantage of extended payment arrangements or accept toll restriction. There is no evidence that utilities have unreasonably withheld extended payment arrangements from low income customers.

Finally, the need for customer protection is outweighed by the administrative cost to implement the changes. Relatively few customers are affected. According to figures provided by OITA, the vast majority of customers who are disconnected for nonpayment make no payment or do not meet their agreed payment plan. Of 11 companies surveyed by OITA (covering 93 percent of all Oregon customers), the number of disconnected customers who made a partial payment was less than one percent of all customers. To implement the proposal,

utilities must reprogram their computer-based billing systems or bill many of the accounts by hand. The reprogramming cost per company may be as high as \$60,000.

Although the Commission will not require telephone utilities to prorate payments, the Commission insists that utilities modify their customer account management practices. Customers who make partial payments on bills which include tariffed and nontariffed services should not be disconnected unless the payment is less than the amount of the tariffed charges. In other words, when a utility is deciding whether a customer can be disconnected, the utility must determine that the customer's payments, as of the month the customer incurred a past due balance, have been insufficient to cover the tariffed charges on the bill.

There are at least two persuasive reasons to support this policy. First, the Commission rule adopted in this order prohibits disconnection for failure to pay nontariffed charges on a bill. Unless the customer service representative credits all payments to the tariffed services first, the customer's account may show an unpaid balance on tariffed charges even though the monthly payments have been greater than the amount of tariffed charges on the bill. Disconnection in this situation would violate the Commission's rule.

In addition, for ratemaking purposes, the Commission assumes that the utility collects its money first when the customer pays a bill. Third parties, for whom the utility is providing billing services, must stand in line behind the utility. The utility cannot increase the uncollectables on its books (which may be passed on to ratepayers through rates) unless all payments are first credited to utility services.

Restricting Access to Toll and Special Services

The proposed rule provides that regulated telephone companies may limit access to toll and special services if the customer fails to pay for the toll or special service. Special access services are services using the "9XX" area code. Restricting a customer's use of these services is an intermediate step before disconnection to allow customers to better manage their calling patterns.

OITA, General Telephone, and United Telephone claim that the equipment necessary for restriction of service is not available in all central offices. As a result, the rule should accommodate utilities which cannot provide toll restriction.

The proposed rule only authorizes toll and special access restriction. It does not require it. However, the proposed rule does prohibit disconnection of local exchange service for failure to pay for nontariffed services. Under the proposed rule, a utility without the ability to restrict toll could not disconnect a customer who refused to pay a toll bill from a competitive provider.

This provision may be inconsistent with 1987 Oregon Laws, Chapter 290, section (6), and the Commission's rules in AR 180. The statute provides that a utility can disconnect a customer, even though the customer has a medical certificate, if the utility "does not have the technical ability to terminate toll telecommunications service without also terminating local exchange telecommunications service."

The rule adopted by the Commission should specify that telecommunications utilities without the ability to limit toll may disconnect a customer's local exchange service for failure to pay for nontariffed services such as competitive provider toll bills. This exception to the general rule should apply only to customers served by offices incapable of restricting toll service.

The Commission believes that the problem of a utility's inability to restrict toll service should be of short duration. The Commission expects the use of this type of restriction to grow as utilities expand their services to meet their customers' needs. According to staff, facilities for restriction are available in the market for reasonable prices. There should be little doubt that toll and special access restriction are services which will benefit both the utility and the customer. Utilities concerned about their customers' ability to manage their toll and special access bills will offer this service as soon as possible.

The Commission directs staff to consult with utilities which do not have restriction service to determine whether such service is available at a reasonable cost. Staff shall report back to the Commission in 90 days from the effective date of this order. If feasible, the staff and the utilities should provide a schedule for implementing a restriction service.

There is one final point which requires clarification. Under this rule, the utility may impose toll restriction on the customer. In such a case, the utility must not charge the

customer for the toll restriction service. It would be burdensome to impose the additional nonrecurring charge of approximately \$25 and a recurring charge of \$2 per month on a customer already seriously in arrears.

Notice

The Commission is concerned that customers with billing problems receive notice of the Commission's disconnection policies. Utilities must include with disconnection notices an insert, approved by the Commission's Staff, which explains to customers their rights under this rule. Utilities shall submit draft inserts to the Staff within 30 days of the effective date of this order.

Jurisdiction

OITA contends that the Commission does not have jurisdiction to adopt administrative rules applying to cooperatives and telecommunications utilities with under 15,000 lines.

The Commission acknowledges that its authority to regulate cooperatives is quite limited. In the 1987 session, the Legislature adopted ORS 757.820 which authorizes the Commission to grant certificates of authority to cooperatives to provide telecommunications services in the state of Oregon. However, the statute provides: "(2) . . . such actions shall not subject such cooperative corporations or associations to the Commission's general powers of regulation."

The Commission has already recognized its limited jurisdiction over cooperatives. OAR 860-32-005(10) provides:

Cooperative corporations organized under ORS Chapter 62 are not subject to ORS 757.810 et seq., or Division 32 of the Commission's rules. Nothing in Division 32 shall have any effect on the integrity of a cooperative's territorial allocation granted under ORS 758.400 et seq.

While it is possible individual corporations may, by a general pattern of business conduct, lose their distinctive identity as cooperatives, such determinations must be made on a case-by-case basis.

OITA also asserts that small telecommunications utilities are exempt from the Commission's control and jurisdiction pursuant to ORS 757.870. ORS 757.870(1) provides that utilities of under 15,000 lines do not have to file their tariffs with the Commission. OITA claims that the enactment

of that statute substantially reduces the Commission's "substantive regulatory role with respect to small, unaffiliated telecommunications utilities." Consequently, OITA concludes that the Commission's rule making power must ". . . be regarded as having been correspondingly limited."

The Legislature, in adopting ORS 757.870, indicated its desire to limit the jurisdiction of the Commission over small telephone utilities in carefully prescribed areas. The Legislature also provided the customers a means for requesting Commission action to revoke any exemption granted by that section. ORS 757.870(6).

In ORS 757.870(4), the Legislature specified which statutes do not apply to the small companies. Among those statutes is ORS 757.210 to 757.220. These statutes establish the procedures for Commission determination of the justness and reasonableness of a utility's rates or schedule of rates. The Commission interprets these procedural requirements to apply to the utility's "rules and regulations that in any manner affect the rates charged or to be charged for any service." ORS 757.205(2).

The rules at issue in this proceeding relate to the terms for disconnection of, and billing for, telecommunications utility service. The Commission's authority to adopt rules relating to disconnection of service is derived from ORS 756.020, which states:

757.020 Duty of utilities to furnish adequate and safe service at reasonable rates. Every public utility is required to furnish adequate and safe service, equipment and facilities, and the charges made by any public utility for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every unjust or unreasonable charge for such service is prohibited. [Amended by 1971 c.655 § 66]

The statute requires a public utility to provide "adequate service." Disconnection rules are directly related to adequacy. The small telephone companies are not exempt from ORS 756.020. They are therefore subject to the Commission rules adopted in this docket.

CONCLUSIONS

The Commission adopts the rule as proposed by Staff with the changes specified in this order. Minor editing changes have also been made in the rule. This rule does not apply to cooperatives providing telecommunications service. It does apply to telecommunications public utilities or affiliated groups of telecommunications public utilities serving less than 15,000 access lines in Oregon and not affiliated or under common control with any other kind of public utility providing service in Oregon.

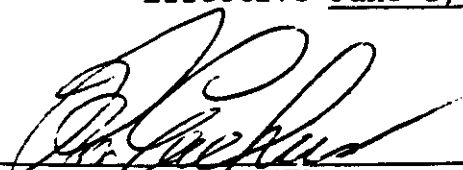
Within 90 days from the date this Order is entered, Staff, after consulting with utilities which do not have toll and special access restriction services, shall report to the Commission on whether such services are available at a reasonable cost. If feasible, Staff shall recommend a course of action and schedule for ensuring that the services are provided.

This order shall be effective June 1, 1989, to allow utilities time to implement the new procedures required by the new rule.

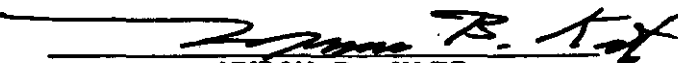
ORDER

IT IS ORDERED that the rule set forth in the Appendix to this order is adopted.

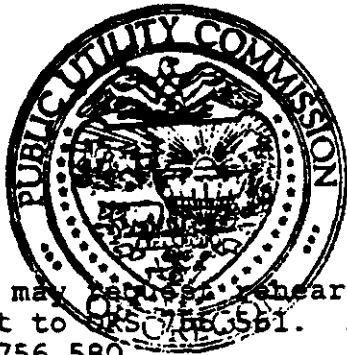
Made and entered MAY 18 1989
Effective June 1, 1989.

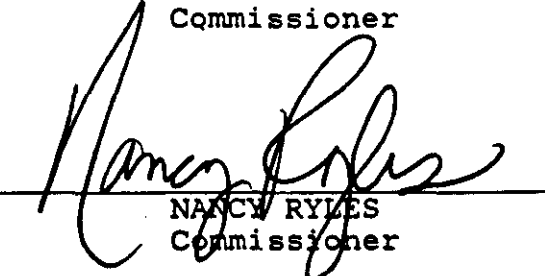


RON EACHUS
Commissioner, Chair



MYRON B. KATZ
Commissioner





NANCY RYLES
Commissioner

A party may petition for rehearing or reconsideration of this order pursuant to ORS 756.561. A party may appeal this order pursuant to ORS 756.580.

APPENDIX

OAR 860-21-505(8) is adopted as follows:

(8) Except for service provided by a telecommunications utility to its customers served by an office incapable of restricting toll service, a utility shall not disconnect or deny local exchange telephone service for the failure by an applicant or customer to pay for services not under the local exchange utility's tariff or price list. Telecommunications public utilities may limit access to toll and special services using the "9XX" prefix for the failure to pay for such services.

STATE OF MICHIGAN

COMMISSIONERS
William E. Long
Steven M. Fetter
Ronald E. Russell



PUBLIC SERVICE COMMISSION
6545 Mercantile Way
P.O. Box 30221
Lansing, Michigan 48909

JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

LARRY L. MEYER, Director

March 26, 1990

Timothy Person, Sr.
President
Allstates Transworld Van Lines, Inc.
P. O. Box 11998
St Louis, Missouri 63112

Dear Mr. Person,

Your letter concerning the difficulties you have been having with Yellow Pages and American Telephone and Telegraph has been referred to this office. As you know, in 1984, the AT&T system was broken up by order of a federal court. As a result the business of Yellow Pages became the responsibility of the local exchange company which was divested from AT&T. Therefore the troubles you are currently experiencing are no longer within the business purview of AT&T.

You are correct that, in Michigan, local exchange service cannot be terminated for non payment of directory advertising.

Following receipt of your letter, Staff investigated your situation. The results of that investigation reveal that your difficulties relate to activities in the State of Missouri. Unfortunately, this Commission does not have jurisdiction over matters in Missouri and can be of no help in resolving your current dilemma.

Sincerely,

A handwritten signature in cursive script that reads "William J. Celio".

William J. Celio, Director
Communications Division

WJC:gm

334-6380



TENNESSEE PUBLIC SERVICE COMMISSION
460 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37219-5477

OFFICE OF
KEITH BISSELL, CHAIRMAN

PHONE
615-741-3661
1-800-342-835

March 22, 1990

Mr. Timothy Person, Sr.
President
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

Thank you for your recent letter concerning AT & T and yellow page service. In your letter you stated that AT & T had discontinued your telephone service for partial payment of your yellow page bill. Since the breakup of the AT & T-Bell system in 1984, yellow page operations have been under the local Bell operating company. My Staff checked with our Assessment Division to ascertain whether your company had any terminals in Tennessee. Upon finding none, I must assume that your terminal(s) are in Missouri. As such, I suggest that you register your complaint against Southwestern Bell with the Missouri Public Service Commission in Jefferson City.

In Tennessee is my understanding that South Central Bell will not discontinue telephone service for partial payment of yellow pages bills if the customer communicates to the company that his payment is to be applied in such a manner. If, however, the customer merely underpays his total bill with no explanation, then it could result in a cut off of service. I am not aware of any unusual problems concerning yellow page service in Tennessee.

Sincerely,



KEITH BISSELL
CHAIRMAN

ah

PUBLIC SERVICE COMMISSION

2701 Prospect Avenue • Helena, Montana 59620-2601
Telephone: (406) 444-6199

Clyde Jarvis, Chairman
Howard Ellis, Vice Chairman
Wallace W. 'Wally' Mercer
John Driscoll
Danny Oberg

March 20, 1990

Tim Person, Jr.
Vice President of Operations
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, MO 63112

Dear Mr. Person,

The Montana Public Service Commission received your letter concerning AT&T's discontinuance of your company's phone service. Since this Commission's jurisdiction over AT&T is limited to intrastate matters, your complaint would be better addressed to the Federal Communications Commission or to the Missouri state regulatory commission.

In Montana, a customer's regulated phone service cannot be terminated for nonpayment of the telephone company's unregulated charges. Yellow page advertising is unregulated in this state, so a phone customer who does not pay his directory advertising charges will not have his phone service terminated as a result.

Sincerely,

Kate Whitney
Kate Whitney
Consumer Representative

KW/A

cc: PSC Chairman Clyde Jarvis

Nebraska Public Service Commission

300 The Atrium, 1200 N Street
(402) 471-3101

P.O. Box 94927
Nebraska Consumer Hot Line 1-800-526-0017

Lincoln, Nebraska 68509-4927
Fax (402) 471-0254



March 21, 1990

Tim Person, Jr.
Vice President of Operations
Allstates Transworld
Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

The Nebraska Public Service Commission has received your letter regarding AT&T's disconnection of service. I thought your suggestions were reasonable and wanted you to know that in Nebraska one cannot be disconnected for non-regulated services such as yellow-page advertising.

I am somewhat confused that you never mentioned the local exchange carrier involved. AT&T is a long carrier and does not have the power to shut off "local service", only the local exchange company has that authority. In any event, we will continue to monitor all our telephone carriers to insure compliance with state law.

Sincerely,

A handwritten signature in cursive script that reads "Chris Dibbern".

Chris Dibbern
Staff Attorney

CD:cb

COMMISSIONERS:
DUANE D. GAY
FRANK E. LANDIS
JAMES F. MUNNELLY
ERIC C. RASMUSSEN
DANIEL G. URWILLER

EXECUTIVE DIRECTOR:
DWIGHT R. WININGER



Public Utility Commission of Texas

7800 Shoal Creek Boulevard · Suite 400N

Austin, Texas 78757 · 512/458-0100

Jo Campbell
Commissioner

Marta Greytok
Commissioner

Paul D. Meek
Chairman

05
March 22, 1990

Mr. Timothy Person, Jr.
ALLSTATES TRANSWORLD VAN LINES, INC.
P. O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

Thank you for your letter concerning problems encountered with AT&T that resulted in telephone service being disconnected due to partial payments on yellow page advertising.

The Public Utility Commission was not given any regulatory authority over the printing, selling or distribution of yellow page advertising. Our authority is limited to the white page listings for the telephone companies. Policies covering white page listings are covered in the company's tariff, which is available at each business office.

I am concerned that telephone service was interrupted due to nonpay of yellow page advertising by AT&T. To my knowledge disconnection of service is through the local telephone company such as Southwestern Bell, GTE, etc. and not AT&T. Since yellow page advertising is considered a non utility service provision, we take the position that a customer's telephone service cannot be interrupted due to nonpay, if all other charges on the bill are paid. Additionally, we also take the position that a customer's telephone number cannot be changed due strictly to nonpay of the yellow page advertising charges.

If you could provide Ms. Betty Suthard with our Public Information Office the telephone number of the Texas account and any other information that you feel would help us in checking into the disconnected service, we will be glad to pursue it on your behalf.

Enclosed is a brochure about the commission which I hope you will find informative. Please advise if we can be of further help.

Sincerely,

A handwritten signature in cursive script that reads "Marta Greytok".

Marta Greytok
Commissioner

MG:bas

Enclosure

COMMONWEALTH OF VIRGINIA



EDWARD C. ADDISON
DIRECTOR

BOX 1197
RICHMOND, VA. 23209
TELEPHONE: (804) 786-3420

WILLIAM IRBY, P. E., MANAGER
RATES & COSTS

ALAN R. WICKHAM, MANAGER
OPERATIONS

STATE CORPORATION COMMISSION DIVISION OF COMMUNICATIONS

March 22, 1990

Mr. Tim Person, Jr.
Vice President of Operations
Allstates Transworld Van Lines, Inc.
P. O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

This will acknowledge receipt of your recent letter which we received on March 16, 1990.

This appears to be a matter which falls under the jurisdiction of the Federal Communications Commission. We are taking the liberty of forwarding your letter to the FCC with the request they look into this matter for you.

Very truly yours,

A handwritten signature in cursive script that reads "Jean B. Meeks".

Jean B. Meeks
Communications Service
Coordinator

JBM:jc

cc: Federal Communications Commission w/enclosure



NEW MEXICO PUBLIC SERVICE COMMISSION

POST OFFICE BOX 2205
SANTA FE, NEW MEXICO
87504-2205
(505) 827-6940

GARREY CARRUTHERS
GOVERNOR

MARIAN HALL, 224 EAST PALACE AVE., SANTA FE, NM 87501

JOSEPH E. SAMORA, JR.
CHAIRMAN
MARTIN J. BLAKE
COMMISSIONER
S. PETER BICKLEY
COMMISSIONER

March 19, 1990

Mr. Timothy Person, Sr.
President
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:


Thank you for your letter which we received March 15, 1990.

New Mexico has two utility commissions. The matter discussed in your letter is not regulated by our commission but is regulated by the State Corporation Commission, PERA Building, Room 406, P.O. Drawer 1269, Santa Fe, New Mexico 87504.

I have taken the liberty of forwarding the original letter to Chairman Eric Serna of the Corporation Commission. By copy of this letter, I am respectfully requesting that Chairman Serna appropriately respond.

Please correct your files. If in the future I may be of any further assistance, please do not hesitate to contact me.

Very truly yours,


JOSEPH E. SAMORA, JR.
Chairman

JES Jr/dlp

cc: Chairman Eric Serna, State Corporation Commission, with
original letter received March 15, 1990

Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. "Bud" Pardini, Commissioner



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W. • Olympia, Washington 98504-8002 • (206) 753-6423 • (SCAN) 234-6423

REF:6-6588

March 29, 1990

Mr. Tim Person Jr.
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, MI 63112

RE: Undated letter concerning AT&T and Yellow Pages.

Dear Mr. Person:

Chairman Nelson wishes to acknowledge your open letter and point out that AT&T no longer offers local service or yellow page directories. If any local exchange company in this state were to threaten disconnection of service due to non-payment for yellow page advertizing, the Commission would be very concerned. To our knowledge, this has not happened here. You should contact the Missouri Public Service Commission for their policies in this regard.

Sincerely

Paul Curl
Secretary

202 - 224 - 3121

United States Senate

WASHINGTON, D.C. 20510
July 24, 1990

Mr. Timothy Person
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

Thank you for contacting my office to express your thoughts regarding S.1981. I appreciate your taking the time to share your views.

Legislation on this matter has been reported to the full Senate. At this time I have not made a final decision on this issue. Although this bill has some merit, I believe there are questions that still must be answered. You may be assured that I will keep your views in mind should this legislation be considered by the full Senate.

Again, thank you for letting me know your opinion. It is helpful to know the views of fellow Missourians. I hope that you will not hesitate to let me know when I may be of assistance.

Sincerely,



Christopher S. Bond

CSB/bm

FEDERAL COMMUNICATIONS COMMISSION
Common Carrier Bureau
Enforcement Division
Informal Complaints and Public Inquiries Branch
Suite 6202
Washington, D.C. 20554
202-632-7553

File #
202 653 8772

Notice of Informal Complaint

In Reply Refer To:
63203

Date: 04 APR 1990

To: AT&T Communications
FCC Customer Complaints
55 Corporate Drive
Room 32D65
Bridgewater, NJ 08807-6991

Attention: Mr. Philip L. Hartfield, District Manager

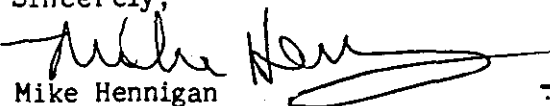
The enclosed informal complaint has been filed with the Commission pursuant to Section 208 of the Communications Act, 47 U.S.C. §208. Under the Commission's Rules, you must either satisfy the complaint in accordance with 47 C.F.R. §1.717, or advise us that you refuse or are unable to do so. Your report, in writing, must be filed with the Commission within thirty days of the date of this Notice with a copy to the complainant. In the meantime, we direct your company to retain all records which may be relevant to the complaint until final Commission disposition.

ICB Number

Complainant

IC-90-03178 (Hennigan, M.)

Allstate Transworld Van Lines, Inc.

Sincerely,


Mike Hennigan
Carrier Analyst
Informal Complaints and Public
Inquiries Branch
Enforcement Division
Common Carrier Bureau

cc: Mr. Timothy Person, Sr.

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN

DANIEL K. INOUE, HAWAII
WENDELL H. FORD, KENTUCKY
J. JAMES EXON, NEBRASKA
ALBERT GORE, JR., TENNESSEE
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
LLOYD BENTSEN, TEXAS
JOHN F. KERRY, MASSACHUSETTS
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JOHN MCCAIN, ARIZONA
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SLADE GORTON, WASHINGTON
TRENT LOTT, MISSISSIPPI

KEVIN G. CURTIN, CHIEF COUNSEL AND STAFF DIRECTOR
WALTER B. MCCORMICK, JR., MINORITY CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

April 25, 1990

Mr. Timothy Peterson, Sr.
President
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Peterson:

Thank you for your letter regarding your problems with your phone service.

Given that your local phone service was discontinued because of problems with billing for yellow pages advertising, your questions need to be addressed by Southwestern Bell, which operates this service, and not the American Telephone & Telegraph Company. Complaints about the practices of Southwestern Bell would generally fall under the jurisdiction of the Missouri Public Service Commission (PSC).

According to the Customer Services Division of the Missouri PSC, there are two options available.

- (1) The Missouri PSC operates a hotline to handle consumer complaints. The toll-free number is (800) 392-4211. The staff is available to answer all your questions.
- (2) You may file an informal complaint, by phone or in person, with the PSC. The phone number at the St. Louis branch is (314) 444-6807. Should you wish to file your complaint in person, the address is: 906 Olive Street, Suite 330, St. Louis, Missouri 63101.

Again, thank you for writing. I hope this information is helpful.

Sincerely,



John C. Danforth



State of Wisconsin \ PUBLIC SERVICE COMMISSION

March 27, 1990

CHARLES H. THOMPSON, CHAIRMAN
MARY LOU MUNTS, COMMISSIONER
JOHN T. COUGHLIN, COMMISSIONER

4802 Sheboygan Avenue
P. O. Box 7854
Madison, Wisconsin 53707

Mr. Timothy Person
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, MO 63112

Dear Mr. Person:

This is in response to your recent letter regarding problems you are experiencing with your telephone service. Your letter indicates your location is in Missouri, which is outside the jurisdiction of the Wisconsin Commission.

Your letter also indicates your problems are with AT&T and Yellow Page advertising. The divestiture of AT&T which was effective on January 1, 1984, took the Yellow Page business away from AT&T and placed it with the local Bell Operating Company. In your case it is Southwestern Bell headquartered in St. Louis.

The policy of the Wisconsin Commission regarding Yellow Page advertising is that we choose not to regulate the service. In addition, customers cannot be disconnected for nonpayment of Yellow Page advertising nor can the telephone number be changed without the customer's permission. However, each regulatory commission may have different policies and you may want to check with the Missouri Public Service Commission and inquire there for further assistance.

You stated in your letter that you hope this Commission would issue a "cease and desist" order against AT&T. This Commission lacks authority to issue such an order.

Sincerely,

Charles H. Thompson
Chairman

CHT:AFS:03269008.erb

BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA

1991 SEP 20 PM 3:48

IN THE MATTER OF THE COMMISSION'S
RULEMAKING PROCEEDING TO AMEND THE
CHESAPEAKE AND POTOMAC TELEPHONE
COMPANY'S GENERAL REGULATIONS TARIFF,
NO. 201

TT86-11

SECOND SUPPLEMENTAL COMMENTS
OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY

In these Second Supplemental Comments, The Chesapeake and Potomac Telephone Company ("C&P") supplements previously provided information and provides the results of a Special Study, all of which were unavailable when C&P filed its Initial Supplemental Comments.¹

The supplementary information shows that Selective Denial or Long Distance Message Restriction with selective denial ("LDMR(M)") are not viable alternatives to DNP. Selective Denial is not a viable option because none of C&P's switches can be configured to provide Selective Denial to all interexchange carriers providing service in the District of Columbia.² LDMR with selective denial, i.e., LDMR(M) is not a viable alternative because it would involve staggering costs.³

¹ In its Supplemental Comments, C&P advised that its responses to Commission questions 10, 11 and 23 would be supplemented when additional information became available. See Supplemental Comments at the Chesapeake and Potomac Telephone Company, ("Supplemental Comments"), TT86-11, Appendix pp. 5-6, 11, (August 12, 1991).

² See Appendix, answer to question 10S.

³ See Appendix A, Exhibit 1.

TT86-11

SECOND SUPPLEMENTAL COMMENTS
OF THE C&P TELEPHONE
COMPANY

APPENDIX A

EXHIBIT 2

SPECIAL STUDY
 SUSPENSION FOR NON-PAYMENT (SNP)
 DISTRICT OF COLUMBIA
 9/12/91

METHODOLOGY

- 142 accounts which were suspended for non-payment between 7/17/91 and 8/23/91 were randomly selected.
- Each of the accounts was accessed in BOSS (Billing and Order Support System) to determine C&P charges and Interexchange Carrier (IC) charges.
- Any non-regulated service charges were deducted. Non-regulated charges include items such as Answer Call, Directory Advertising and 700/900.
- A determination was made if the account would still have been suspended if there were no IC charges on the bill.

RESULTS

	<u>Res.</u>	<u>Bus.</u>	<u>Total</u>
NUMBER OF ACCOUNTS IN STUDY	100	42	142
NUMBER OF ACCOUNTS WHICH WOULD HAVE BEEN SUSPENDED WITHOUT IC CHARGES	85	41	126
% OF ACCOUNTS WHICH WOULD HAVE BEEN BEEN SUSPENDED WITHOUT IC CHARGES	85%	98%	89%



His father, David (left), thought he couldn't do it, but 30 years and \$1 million later Timothy Persons (right) won a national operating license for the family-owned moving firm.

CEO fights regulators, but not regulations

Timothy Person's 30-year struggle with the Interstate Commerce Commission cost him more than \$1 million in expenses and lost profits, but his perseverance paid off. Person's Allstates Transworld Van Lines, a small St. Louis household goods moving firm, managed to wrest from the agency a nationwide operating license valued at \$15 million by trucking industry analysts. That belated victory makes his company the first black-owned firm—and one of only 19 firms—to achieve nationwide certification. And, with his expanded route authorization, Person expects Allstates' revenues to jump to \$3 million in 1980, up from just \$1 million last year.

Person started jousting with trucking regulators back in 1953 when he joined his father's local moving company on the condition that he be allowed to pursue the national certificate. "He thought I would try until I saw it was futile and then give up," the younger Person says now.

Person built a network of local and regional carriers to testify on his behalf when he filed his first application with the ICC in 1969. He was turned down. Then Person learned that testimony from government agency clients carried a lot of weight with the ICC, so he brought the Departments of Defense, Justice, and Transportation, and the General Services Administration in on his side. Ultimately, the strategy worked.

Since Person's battles with federal regulators have extended over most of his working life, you might think he'd like to see a little less regulation in the industry. You'd be wrong. Government regulation, in his view, is needed to protect the customer.

"It would have been foolhardy for me to have spent the time, money, and energy to get the national license if I had believed that deregulation was going to turn [other] truckers loose on the public," Person says.

First nationwide moving firm continues 70-year battle



Timothy Person, Sr.

By Ernest McBride

JA Vicksburg Correspondent

St. Louis, MO -- After watching his father David struggle for more than 34 years to eke out a living in the racially restricted moving business, Timothy Person, Sr., realized in 1963 that they had to go interstate to make Allstates Transworld Van Lines an interstate business, if the company was to survive. That required a license from the Interstate Commerce Commission.

That's when the real hardship set in.

The nation's 19 established moving firms -- Atlas, Allied, North American Van Lines, among them -- rallied St. Louis City officials and state lawmakers to advise the Interstate Commerce Commission (ICC) in Washington

against awarding the black owned company the right to move furniture across state lines.

The fight was a long, expensive and often bitter one. But after 17 years of going toe-to-toe with the white establishment and using what little political clout he could muster, Person got the blessings of the ICC in 1980. And Allstates Transworld Van Lines, Inc., became the first moving company -- black, white or otherwise -- to be licensed for all 46 of the states that regulate such businesses. That nationwide license, *the New York Times* reported, was the first ever awarded, "in memory," and was at the time worth \$15 million in the tightly protected moving industry.

Person's father had started his company in 1929, traveling across Missouri's borders illegally when necessary to make the few extra dollars that kept him and his company afloat. Son Timothy returned home from the military in 1953 and set up his own moving business. He later joined his father in the family business, buying him out in 1963 and continuing to struggle. Jim Crow attitudes and practices were as widespread in St. Louis as in the deep South, Person says.

"When it comes to race and business," he says, reflecting on his family's business experiences of nearly 75 years, "Missouri is just as bad a place as Mississippi ever was."

The long fight for a national license from the ICC was practically a cakewalk compared to the fight he has had with Southwestern Bell for the last 13 years. They cut off his telephone service in 1990 and brought business down to a trickle. Person was allegedly being

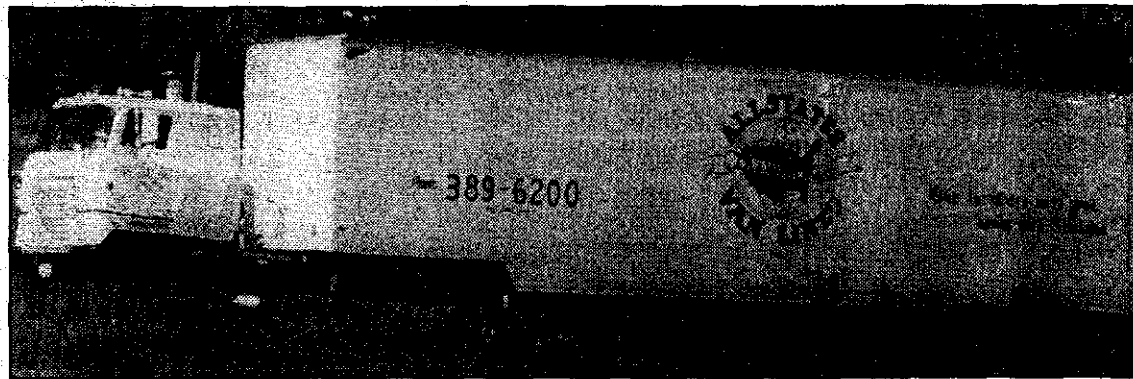
communication service for nonpayment of advertising bills. But cut they did, and Allstates Transworld once again found itself on the brink of ruin. The telephone company then cut off all telephone services, an illegal act, according to Federal Communications Commission laws, and these laws apply across state lines.

Despite the statements he had received from most other states, including Mississippi, that explicitly barred telephone operatives

advising Person that it was for the Missouri Public Commission.

Person sued Southwestern in the Washington, D. C. and was awarded a \$12 favorable judgment. He telephone turned back on. phone company appealed that decision, however, and h Person nothing to offset h losses.

"No one talks about the vantage that blacks have



punished by the Bell Company for not paying for his ads in the Yellow Pages in one lump sum. On the advice of an attorney friend, he had sent in a partial payment for the ads, which under the law is a separate account from regular telephone services. The phone company is not allowed to cut vital com-

from cutting phone services for delinquent Yellow Page accounts, the Missouri Public Service Commission never responded to Person's many direct appeals, finally claiming 10 years later to a state senator that it had no jurisdiction over Southwestern Bell. The FCC refused to take up the case,

courts," Person said last from his St. Louis office. thought no one would even about it. I've already spent half million dollars in late fees. It's a real hardship for if it takes the last cent that I'm going to make sure that one knows how even re