

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Senator Ernie Chambers, Omaha, Nebraska,)	Formal Complaint 1241
Complainant,)	
vs.)	SUSTAINED IN PART AND
)	DISMISSED IN PART
Sprint Communications Company, L.P.))	
Kansas City, Missouri,)	
Respondent.)	Entered: January 9, 1995

APPEARANCES

For the Complainant:

Senator Ernie Chambers, pro se
District 11
State Capitol Bldg.
Lincoln, NE 68509

For the Respondent:

Patrick McMahon
8140 Ward Parkway
Kansas City, MO

LaVern R. Holdeman
Box 81849
Lincoln, NE 68501

BY THE COMMISSION

By complaint filed July 7, 1994, Senator Ernie Chambers alleges Sprint Communications Company L.P. (hereinafter referred to as "Sprint") restricted his telecommunications services without notice or authorization. Specifically, Senator Chambers asserts Sprint blocked his telephone number from receiving collect calls originating on the Sprint network from June 22 through June 30, 1994. A hearing was held on November 9, 1994, in the Commission Hearing Room, Lincoln, Nebraska, with Commissioner Landis presiding as chairman.

O P I N I O N A N D F I N D I N G S

Senator Chambers contacted the Public Service Commission on June 30, 1994, regarding a problem with his telephone service. On July 7, 1994, Senator Chambers filed a complaint against Sprint with the Public Service Commission. On July 21, 1994, Sprint responded to the complaint with a Statement of Satisfaction. In a letter dated July 21, 1994 (the letter was incorrectly dated July 21, 1994; it should have been dated July 27, 1994) Sprint amended its Statement of Satisfaction with the answer to an additional question posed by Senator Chambers. On July 28, 1994, Senator Chambers filed a letter with the Commission stating that Sprint's Statement of Satisfaction was insufficient and a Notice of Acceptance would not be forthcoming. On August 11, 1994, Sprint filed its Answer to the Formal Complaint pursuant to the Rules of Commission Procedure. The Commission set the matter for a hearing on November 9, 1994.

At the hearing, Sprint through its witness, Elizabeth Cecini, Project Manager for Sprint, stated the June, 1994 block was initiated due to the placement of a direct dial block on the Senator's line prior to June, 1993. Ms. Cecini testified that the block was on Sprint's network only, and that all calls (including collect calls) to and from the Senator's office could have been placed using other interexchange carriers' networks. The reason for this original block is unknown. Ms. Cecini explained software enhancements were made in the Sprint network and certain data was not included in the upgrade. The loss of this information is extremely unfortunate because it is a material issue to this complaint and would answer many questions that remain unresolved.

We strongly encourage Sprint to examine this procedure in order to ensure irreplaceable information, such as this, be maintained for an appropriate period of time in the future. Sprint offered various potential explanations for the initial block and apologized for the mistake, however, it does not alleviate the Senator's concerns or resolve the Commission's questions as to why the block was instituted. While we assume the initial block was due to the lack of a billing and collection agreement with the local telephone company, a positive answer will never be known.

With the original direct dial block on the Senator's phone, the telephone line was not to show usage on the Sprint network. In June, 1994, usage on Senator Chambers' line was noted by Sprint's computers and a computer generated report was reviewed by Sprint employee, Carletta Boykin. Ms. Boykin was a Researcher in the Central Toll Investigations Department for Sprint when Senator Chambers' line was blocked. Ms. Boykin testified that upon noticing the usage on Senator Chambers' line, she manually blocked the phone from third party collect usage. In placing the third party collect call block, she followed procedures specifically outlined by Sprint.

Sprint failed to review its records to determine if all blocks, especially those without reason codes noted, were appropriate. Sprint testified one reason why callers were blocked in the past, was due to the lack of a billing agreement with the local telephone company. A great deal of time has passed since those initial blocks were placed and some companies, such as Lincoln Telephone and Telegraph, have since made billing arrangements with Sprint. However, the billing agreement with Lincoln Telephone and Telegraph does not provide Sprint with billed number and address information, which would facilitate a more accurate review by Sprint.

In order to diminish the number of mistakenly blocked numbers in Nebraska, Sprint should examine its blocking procedures

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and make material improvements. This Commission believes the blocking standards should be reviewed. Callers may be denied service without a valid explanation in the absence of reason codes. For this reason, it is our opinion that Sprint should remove blocks from Nebraska telephone lines that are not accompanied with a reason code. If Sprint maintains blocks on any telephone lines that do not have reason codes, the Commission expects Sprint to provide a full explanation as to why the blocks must remain.

Testimony at the hearing indicated that Sprint removed the block within 48 hours after the matter was brought to their attention. Senator Chambers was subsequently contacted by Sprint's Government Affairs Manager for Nebraska. The Commission believes it initially received inaccurate information from Sprint and LT&T. We also feel at the beginning of this complaint, Senator Chambers received very little cooperation from Sprint in resolving this matter. While it is understandable that some time is needed to resolve a customer complaint, it is not reasonable that potential explanations be offered until all facts are known. Sprint's error was in providing Commission Staff with speculation before all facts were known. In the future, Sprint should not provide potential explanations before all facts are known.

Sprint admitted Senator Chambers was restricted from Sprint in June, 1994, without notification. We view the Senator's case with compassion; however, other than revoking the certificate of authority granted to Sprint, there is very little this Commission can do to penalize the company for their mistake. In our opinion, this action is precisely the type of infraction that would merit the assessment of a substantial administrative fine. Improvements regarding customer service, and changes in blocking procedures should be implemented immediately by Sprint. A report outlining the action Sprint has taken should be provided to the Commission within 60 days from the date of this Order.

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds that this complaint should be sustained as to the allegations that Sprint blocked Senator Chambers' telephone line from receiving collect calls for the period of June 22, 1994, through June 30, 1994, that the procedure used to implement the block was flawed, and that inaccurate information explaining the reason for the block was provided both to the Commission staff and Senator Chambers. The complaint should be dismissed as to each and every other allegation in the complaint.

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O R D E R

IT IS THEREFORE ORDERED that the complaint of Senator Ernie Chambers alleging inadequate telephone service in Lincoln, Nebraska, provided by Sprint be, and it is hereby sustained in part and dismissed in part.

IT IS FURTHER ORDERED that Sprint file a report with this Commission within 60 days, outlining (a) the number of blocks in existence without reason codes prior to June 30, 1994; (b) any policy changes related to blocking that have been implemented since June 30, 1994; and (c) the number of blocks remaining in existence without reason codes and a full explanation why they must remain.

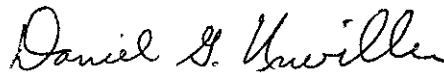
MADE AND ENTERED at Lincoln, Nebraska, this 9th day of January, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

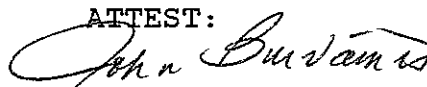


//s//Frank E. Landis
//s//James F. Munnelly
//s//Daniel G. Urwiller



Chairman

ATTEST:



Deputy Director