

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Robert N. Herzog,) Formal Complaint No. 1245
Complainant)
)
vs.) DISMISSED
)
Lincoln Telephone Company,)
and AT&T) Entered: November 21, 1995

BY THE COMMISSION

On June 19, 1995, Robert H. Herzog filed a formal complaint against the Lincoln Telephone Company and AT&T, relating to long distance telephone charges billed to Mr. Herzog that were placed by a third party.

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

During the month of July, 1994, Complainant was billed \$554.05 for calls made by a third party. The Complainant was not informed of the third party calls because of AT&T's policy that permits individuals to bill calls to a residential telephone number from a hospital without express permission for each call. The Complainant disputes his responsibility for the third party calls based on his reliance on the information provided by the Lincoln Telephone Company that all calls are verified.

The Complainant's telephone service was disconnected for failure to pay his past due balance. The Complainant subsequently filed a Formal Complaint with the Public Service Commission on June 19, 1995, related to the charges billed by the Respondents for the third party calls.

The Respondents and the Complainant have reached a settlement and submit to the Commission a Statement of Satisfaction. Attached as Exhibit A is a Memorandum of Understanding, signed by all parties, setting forth the basis for settlement of this Complaint.

The Respondent, Lincoln Telephone Company, will pay the Complainant \$75.00 as a partial refund of the telephone service deposit paid by the Complainant. In addition, the Lincoln Telephone Company will credit the Complainant's telephone account by the amount of \$29.00. This amount corresponds with the amount Lincoln Telephone Company charged Mr. Herzog for reconnection.

The Respondent, AT&T, will give the Complainant, Robert N. Herzog, long distance coupons valued at a level no less than \$385.20 as compensation for the third party toll charges that Mr. Herzog ultimately paid to reestablish service.

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The Complainant, Robert N. Herzog, releases the Respondents, Lincoln Telephone Company and AT&T, from any and all claims Complainant has or which might result from the facts described in this Formal Complaint.

As the parties of the complaint have negotiated a reasonable settlement, the Commission is of the opinion and finds that the complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED BY THE Nebraska Public Service Commission that Formal Complaint No. 1245 is dismissed.

MADE AND ENTERED AT Lincoln, Nebraska, this 21st day of November, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly



Vice Chairman

ATTEST:



EXECUTIVE DIRECTOR