

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

MARCIA DAMMANN,	)	FORMAL COMPLAINT NO. FC-1299
	)	
Complainant,	)	
	)	
v.	)	GRANTED IN PART
	)	
QWEST CORPORATION,	)	
	)	
Defendant.	)	Entered: September 18, 2002

BY THE COMMISSION:

By application filed April 23, 2002, Marcia Dammann seeks resolution of her complaint against Qwest Corporation (Qwest). A copy of this complaint was served on Qwest on April 24, 2002. An Answer was received from Qwest on May 14, 2002. A prehearing conference in this matter was held July 9, 2002. Notice of hearing was mailed to interested parties on August 23, 2002.

E V I D E N C E

Mrs. Dammann alleges unfair billing. According to the evidence, Qwest mailed the Dammanns a letter dated April 3, 2002, regarding pricing for construction of telephone facilities to the Dammanns' residence in St. Libory, Nebraska. The letter indicates that the job would require a footage of 3,408 feet from "in front of your neighbors house to the south of you," terminating at the Dammann residence. The letter detailed two options. Each option allowed for a rural customer credit of \$875.00 to be applied to the total cost of placing the facility, as set forth in the Nebraska State Tariff. Under Option 1, Qwest would place 100% of the facility for \$5,962.46, less the \$875.00 credit, for a total of \$5,087.46. Under Option 2, Qwest would place all facilities in public right-of-way, and the customer would place wire on her own land, with Qwest providing the wire at no charge. The total cost would be \$5,209.58, less the \$875.00 credit, for a responsibility of \$4,334.58. Both options allowed for an interest-free repayment plan.

Mrs. Dammann testified that she believes the footage quoted was inaccurate. She testified that she did not participate in any measurement of the distance with Qwest.

On behalf of Qwest, Ms. Rachel Torrence testified that the starting point for the Dammanns' facilities construction should be from a pedestal just north of the neighboring house. Furthermore, the job has been measured again with Commission staff member Dick Palazzolo present. As depicted in Exhibit 2,

the linear footage from the neighboring property up to the edge of the Dammann property is 2,968 feet. A drop from the edge of the Dammann property to the house would be 396 feet, according to Ms. Torrence. The total linear measurement would be 3,364 feet. Ms. Torrence testified that Qwest quoted Mrs. Dammann an actual measurement of 3,408 feet, which accounts for maneuvering the telephone line as required by the terrain.

Mr. Dick Palazzolo, Commission Telecommunications Analyst, was called by Qwest to testify next. Mr. Palazzolo testified that he participated in a linear measuring of the proposed construction job, but not an actual measurement along the terrain. He testified that he had no reason to believe that the actual measurement quoted by Qwest was incorrect.

#### OPINION AND FINDINGS

Based upon the testimony at the hearing, it appears that Mrs. Dammann was not aware that Qwest was willing to shorten the length of the construction job by charging her only from a pedestal north of her neighbor's house, rather than from a point south of the neighbor's house. Furthermore, it appears that the linear measurement for the property should be applied, based upon the fact that a linear measurement has been verified by Commission staff.

By the Commission's calculations, Revised Option 1, in which Qwest places all facilities to the Dammann residence, should cost \$4,944.72. Revised Option 2, in which Qwest only places facilities in the public right-of-way and the Dammanns install wire on their property with Qwest providing the wire at no charge, should cost \$4,259.64. Both revised options include the rural subscriber credit.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest offer Marcia Dammann the above-described Revised Options for construction of telephone service to her house in St. Libory, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of  
September, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director