

TC 98-071

C.H./L.H.

TC98-071

DOCKET NO. \_\_\_\_\_

In the Matter of \_\_\_\_\_

IN THE MATTER OF THE COMPLAINT  
 FILED BY ELIZABETH M. LIPP,  
 ABERDEEN, SOUTH DAKOTA,  
 AGAINST UTILITY ANALYSTS, INC.  
 D/B./A. BASIC LONG DISTANCE  
 REGARDING SLAMMING

## Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

4/15 98 Received;  
 4/20 98 Accepted;  
 4/23 98 TC Fee filing;  
 5/11 98 Response to Complaint;  
 5/26 98 Order re missing complaint and closing docket;  
 5/26 98 Docket Closed



RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

Prohibit any Utility Analysts, Inc., including aliases, from doing business in the state of South Dakota. Prohibit their agent, US Billing, Inc., from doing business in the state of South Dakota until they can demonstrate they can and will actually protect consumer information. Require Utility Analysts, Inc. to reverse all charges they have had processed for all consumers in the state of South Dakota. Require Utility Analysts, Inc. and their agents to immediately pay me \$5,000.00 for putting me and my friend in the emotionally distressing position of being belittled, ridiculed, harassed and taunted. Additionally, I request you require Utility Analysts, Inc. and their agents to pay me \$1,000.00 for copies, postage, long-distance charges, 900 number assistance, time, mileage, privacy loss, etc.

VERIFICATION

Complainant's signature must be witnessed by a notary public.

Elizabeth M. Lipp  
Complainant's Signature

April 8, 1998  
Date

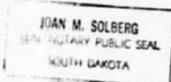
State of South Dakota )  
)SS  
County of BROWN )

On this 3rd day of April, 1998.

before me personally came and appeared ELIZABETH M. LIPP, known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Joan M. Solberg  
Signature of Notary Public



(SEAL)

My commission expires: 12/13/99



ELIZABETH LIPP  
Account No: 905 226-0058 981  
For questions, call 1-800-481-8724

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ITEMIZED CALLS

NO.	TIME	PLACE	AREA-NUMBER	TYPE	MIN	
MISCELLANEOUS CHARGES AND CREDITS						
NO.	ITEM					TAX CODE
BASIC LONG DISTANCE						
DEC 29	1.	MONTHLY FEE				A 2.50
(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL					2.50	)
7-TAX RATE APPLIED - A-3.00%						
TOTAL ITEMIZED CALLS						2.50
TAX - FED .08						.08
<hr/> TOTAL U.S. BILLING, INC. CHARGES (INCL TAX)						2.58

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO U.S. BILLING, INC.  
THERE IS NO CONNECTION BETWEEN U.S. WEST COMMUNICATIONS AND U.S. BILLING, INC.





ELIZABETH LIPP  
Account No: 605 226-0058 981  
For questions, call 1-888-481-8724

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ITEMIZED CALLS

NO.	TIME	PLACE	AREA-NUMBER	TYPE	MIN	
						MISCELLANEOUS CHARGES AND CREDITS
NO.	ITEM					TAX CODE
BASIC LONG DISTANCE						A 5.25
JAN 24	1	LD LINE CHG			5.25	]
MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL						5.25
TAX RATE APPLIED - A: 2.00%						5.25
TOTAL ITEMIZED CALLS						.16
TAX - FED - 16						
<b>TOTAL U.S. BILLING, INC. CHARGES (INCL TAX)</b>						<b>5.41</b>

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO U.S. BILLING, INC.  
THERE IS NO CONNECTION BETWEEN U.S. WEST COMMUNICATIONS AND U.S. BILLING, INC.



ELIZABETH LIPP  
Account No: 605 225-0056 381  
For questions, call 1-888-481-8724

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ITEMIZED CALLS

NO.	TIME	PLACE	AREA-NUMBER	TYPE	MIN	
MISCELLANEOUS CHARGES AND CREDITS						
NO.	ITEM					TAX CODE
BASIC LONG DISTANCE						
FEB 28	1	LD LINE CHG				A 5.25
MAR 3	2	MONTHLY FEE				A 2.50
(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL						7.75 )
T-TAX RATE APPLIED - A-3.00%						
TOTAL ITEMIZED CALLS						7.75
TAX - FED .23						.23
TOTAL U.S. BILLING, INC. CHARGES (INCL TAX)						7.98

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO U.S. BILLING, INC.  
THERE IS NO CONNECTION BETWEEN U.S. WEST COMMUNICATIONS AND U.S. BILLING, INC.

Elizabeth M. Lipp (EML) initiated a telephone call to Utility Analysts, Inc. (UAI) at 1 (888) 534-2700 on Tuesday, March 31, 1998, at 1:\_\_\_ p.m., c.s.t.

UAI: Good afternoon. Customer Service.  
EML: Yes, is this Basic Long Distance?  
UAI: Yes it is.  
EML: OK. Uhm- I have been having a problem with a long distance carrier and I would like to know how you received the authorization to become my long distance carrier.  
UAI: (No response.) (Radio station audio playing.)  
EML: (Notation: She's got me on hold. She didn't tell me she was going to put me on hold or nothing. I just started hearing music playing. So I'm guessing.)  
UAI: Thanks for holding. Can I have your telephone number with area code first?  
EML: It's, ah, (605) 226-0058.  
UAI: (Silence.)  
The name on that account is E.M. Lipp?  
EML: Yes.  
UAI: I show that services was authorized on November the 18th by Elizabeth Lipp.  
EML: It was not.  
UAI: Is your date of birth October 23rd?  
EML: Yes.  
UAI: OK, you gave us that as a security code on the account.  
EML: How did you - Ah - How did you - I - How did you get a hold of me to get this authorization?  
UAI: We called you over the telephone.  
EML: No one called me on the telephone to ask if I (interrupted)  
UAI: OK, what I'll do ma'am is - The whole conversation was recorded. What I'll do is go ahead and request that recording. It is going to take approximately twenty-four to forty-eight hours. And when I get that in my office I'll give you a call back and let you hear that.  
EML: I want some answers right now.  
UAI: OK, well I don't have an answer for you. I'll call you back with the authorization tapes and you can hear that. OK, and thanks for your time. (Click! Hang Up!) (Dial tone!)

(Notation: That call concluded at 1:34 p.m., c.s.t. on Tuesday, March 31, 1998.)

NOTE: UAI failed to answer using a corporate name identifier.  
NOTE: UAI failed to answer using an the individual's true name.  
NOTE: UAI used an alias not registered in South Dakota.  
NOTE: UAI disclosed the account holder name without identifying the authority of the caller.  
NOTE: UAI disclosed the account holder name without using the security code they claim they collected for that purpose.  
NOTE: UAI communications were unnecessarily rude, for example 1) putting the customer on hold without communicating with them - essentially hanging up, 2) interrupting the customer, 3) hanging up on the customer, and 4) general abruptness, etc.

B.J. Pease (BJP) initiated a telephone call to Utility Analysts, Inc. (UAI) at 1 (888) 534-2700 on Tuesday, March 31, 1998, at 1:48 p.m., c.s.t.

Below is a partial transcript:

UAI: Good afternoon. Customer Service.  
BJP: Good aft. noon. I have reached a business?  
UAI: Yes you have.  
BJP: What is the name of your business?  
UAI: Basic Long Distance.  
BJP: OK. I just wanted to make sure I had reached the right place.  
UAI: Hold on one second ma'am please.  
  
(Long hold.)  
  
UAI: Thanks for holding. May I have your telephone number with area code first?  
BJP: Actually I was calling to ask you for some information about your company. Can you tell me your true corporate name?  
UAI: Basic Long Distance.  
BJP: OK.  
  
...  
  
BJP: There has been some confusion here. Are you authorized to do business in the state of South Dakota?  
UAI: Uhm. Hold one second.  
(Long hold.)  
UAI: No we're not authorized in South Dakota any longer. We were in the past but we're not authorized any longer.  
BJP: OK. When did that stop?  
UAI: Uhm, I'm not exactly sure but it's been a couple of weeks now.  
BJP: For about two weeks?  
UAI: About a month or so.  
BJP: For two weeks to a month?  
UAI: We're not exactly sure. The lady who handles that usually is not here today. Uh, she's went off for a doctor's appointment. Uh, if you can call back tomorrow at approximately nine a.m. she be able to help you more than I can.  
BJP: OK. Uhm, your company claims to have a recorded conversation authorizing you to become a long distance carrier for a South Dakota consumer. May I speak to the person who retrieves those?  
UAI: OK. Asually [sic] she is not in right now. As I said earlier, if I could have you call her back in the morning she'll be available at nine a.m.  
BJP: No. I'll have to speak to whoever takes over for her.  
UAI: No one does. She is the manager of customer service.  
BJP: (Pause)

UAI: (In another voice - obviously an on-line monitor:)  
OK well ma'am thank you very much.

BJP: No. No that is not alright.  
(Pause.)  
(Notation: They hung up on us!)

UAI: I'm here ma'am.  
BJP: Pardon me?

UAI: I'm right here. How can we help you? Uhm, the lady that handles that she is not in at the moment. She handles all, ah, - - utilities, public communications, she handles all of that. OK.

BJP: OK.

UAI: And we only have one person working on that. OK?

BJP: No that is not OK. So I need to speak to - I am going to need to speak to a manager immediately.

UAI: Like I said, like the lady had just told you she was out sick. She had to go a doctor this morning because of asthma treatments. We cannot help you. OK. That's the manager.

BJP: I need the phone number for your corporate offices please.

UAI: OK. I don't have that information either. Is it - Who may I ask whom I am speaking with first of all. [sic]

BJP: Your speaking with B.J. Pease. I am an advocate for a South Dakota consumer.

UAI: OK.

BJP: Who am I speaking to?

UAI: This is Tracie.

BJP: Tracie, what is your last name?

UAI: I am not going to give that information out.

...

UAI: Hi this is Serita. How can I help you?

BJP: Serita, what is your position there?

UAI: I am a human resources director.  
Who am I speaking with?

BJP: You're speaking with B.J. Pease. I am calling on behalf of a South Dakota consumer who has been having some problems with your company. As I understand it, you are not even authorized to do business in the state of South Dakota.

UAI: I tell you what. Why don't you give me that person's telephone number?

BJP: I tell you what. ... [Tracie] claims that she does not know the telephone number for your corporate offices.

UAI: OK.

BJP: Do you know that number?

UAI: OK there is no corporate office. The office that you're speaking right to right now this is our only office. OK.

BJP: Your only office. I would like to speak to your Chief Executive Officer or your President.

UAI: Excuse me. Just a moment ma'am. Ah, this is the only office. There is no corporate office. Ah, the person I could put you onto is our Customer Service Manager. She is unavailable right now. What you could do is -

BJP: OK. This company is not run by a Customer Service Manager.

...

UAI: Right. You have childhood issues. I understand that.

...

UAI: OK. I don't know what you are talking about.

BJP: You definitely do not know what I am talking about. You are impotent to even understand English. Do you speak another language perhaps? I speak multiple languages. Would you like to speak Arabic? Ante iftahem Arabi? Would you like to speak Spanish?

UAI: OK.

BJP: When you learn English, when you learn elementary English and when you can get a job in some substantial profession I will speak to you. In the interim, this has been a recorded call.

UAI: I don't understand trailer language ma'am. I don't. I'm - I'm sorry I'm not fluent like you are. I'm sorry. I speak English. If you would like to speak that with me -

BJP: This is a recorded call. I would like to (interrupted)

UAI: I will not discuss childhood issues with you. I am not your therapist.

BJP: Oh, you sick little thing.

UAI: OK.

BJP: You mendacious dolt. Go get a dictionary.

...

(Notation: I concluded that call at 1:57 p.m., c.s.t.)  
(Tuesday, March 31, 1998)

Elizabeth M. Lipp (EML) initiated a telephone call to Utility Analysts, Inc. (UAI) at 1 (888) 534-2700 on Wednesday, April 1, 1998, at 1:40 p.m., c.s.t. B.J. Pease (BJP) monitored the call, provided technical assistance with conferencing, and later actively joined the conversation as an advocate for Ms. Lipp.

UAI: Customer Service. Please (click)  
(Silent pause)  
EML: Is this Lisa Martin?  
(Silent pause)  
UAI: (click) How can I help you?  
EML: This is Elizabeth Lipp calling for (605) 226-  
(interrupted)  
UAI: Hold one sec (click)  
(Long silent hold.)  
UAI: What is your telephone number with area code first.  
EML: (605) 226-0058. Is this Lisa?  
UAI: No it's not.  
EML: I need to speak with Lisa.  
UAI: OK. Hold please.  
(Long silent hold.)  
UAI: Lisa Martin. Thank you for holding. Can I have your  
phone number, with area code, please?  
EML: (605) 226-0058.  
UAI: OK. What can I do for you today.  
EML: OK. I have been trying to follow-up on a situation. I  
have been told that you have a tape from November 18,  
1997, on which I gave you permission, ah, in which you  
claim I gave you authority to become my long distance  
carrier.  
UAI: Right.  
EML: And, I need to hear that tape.  
UAI: OK. And, ma'am did you authorize someone to call up here  
on your behalf?  
EML: Yes I did.  
UAI: What was that person's name?  
EML: Ah, B.J. Pease.  
UAI: OK. And she is just a friend of yours?  
EML: Yes.  
UAI: OK. I am going to have to ask that you not allow her to  
call here anymore. If you want to deal with your account,  
you'll have to deal with it yourself. Because she has  
been a real problem for us here. Let me go get that tape  
recording for you. OK. Thanks. Hold on.  
(Long silent hold.)  
UAI: Customer Service.  
EML: Yes?  
(Silent pause.)  
EML: Lisa Martin is supposed to be helping me.  
UAI: Oh, OK. Please hold.  
(Long silent hold.)  
UAI: Hi. Who are you holding for?  
EML: Lisa Martin is supposed to be helping me.  
UAI: Oh, OK. Just a moment.  
(Long silent hold.)

UAI: Hello Mrs. Lipp?  
EML: Yes.  
UAI: OK. Uhm, have you requested that tape before?  
EML: Yes I did. And she told me - (interrupted)  
UAI: When you called on the tenth of March you requested it?  
EML: Pardon m ?  
UAI: When you called on the tenth, tenth of March you requested it?  
EML: Yes.  
UAI: Because I am not showing it here on the premise. I'll have to get a hold of that for you. Uhm, and I will call you with that as soon as possible.  
EML: I need it right now. This - (interrupted)  
UAI: It is not here right now ma'am. Did you - Did you just hear what I said?  
EML: I heard you b - (interrupted)  
UAI: OK.  
EML: But this is bothering my health.  
UAI: Well I'm - It's bothering your health!  
EML: Yes. Ma'am I - (interrupted)  
UAI: Well ma'am if you would let something as ridicules as your phone bill, uhm, bother your health I don't know what to say.  
EML: It is because I have been running around and around and around in circles trying to get this resolved and - (interrupted)  
UAI: How much is the total charges that you've ever billed with us?  
EML: Pardon me?  
UAI: How much are your total charges with us ma'am?  
EML: I don't have a bill in front on me at this moment. I can - (interrupted)  
UAI: Is it a lot of money?  
EML: No? But it's - (interrupted)  
UAI: I tell you what I'm going to do, since you have having such a hard time with this, I am just gonna go ahead and have all your charges removed. OK?  
EML: I still need to hear this tape. Where did you get the permission for, from me - (interrupted)  
UAI: Ma'am.  
EML: (attempting to continue) (overspeaking) to be my long distance carrier?  
UAI: Ma'am. I just told you you could have all the calls for free. I'm gonna take 'em all off. That'll close this whole issue.  
EML: No - (interrupted)  
UAI: If there is no bill then there is no issue. OK?  
EML: No. It will not because I - (interrupted)  
UAI: Yes it will.  
EML: No. I do not want you as my long carrier and - (interrupted)  
UAI: No. I know that. It has already been cancelled. I am trying to work with you here ma'am. I just told you that you don't have to pay a dime.

EML: But I want to know where that permission came from -  
(interrupted)

UAI: OK well I'll keep looking into getting a hold'a that tape  
for you but in the meantime I am going to credit out your  
account with us and cancel you from the service. OK?

EML? How long is this tape going to take? I need that tape.

UAI: I don't know ma'am. I don't know what the holdup has been  
so far. I have got to look into it. That is not  
important anymore. Because no one is asking you to pay  
anything anymore. If there is no bill, then there is no  
issue. The matter is closed.

EML: I am still curious about who did this to me.

UAI: Well, you know, you're entitled to your curiosity. And I  
will try and get back with you as soon as I can, if I can  
get a hold of that for you. But really what it boils down  
to is that once the bill has been credited there is  
nothing to nothing left to dispute. It is over. OK.

EML: I am keeping in contact with a couple of state's  
attorneys. One from - (interrupted)

UAI: Why don't you have them give me a call. I'll let them  
know that I have credited-out the account and then they'll  
leave the whole thing alone too.

EML: No. If you'll hang on I'll get them on the line for you.

UAI: Alrighty.

EML: Just hold please.  
(Dial tone and dialing Attorney General of Michigan  
[AGM].)

AGM: Attorney General's Office.

BJP: Hi. Can you hold on the line one minute please? I have  
one your companies from your state on the line and they  
are being kind of uncooperative and we thought you might  
be able to help us.

AGM: Alright.  
(Click.)

BJP: Are you on the line?

UAI: Yes.

AGM: Hello?

BJP: Hello. One minute please.

EML: OK, ma'am?

UAI: Yes.

EML: Go ahead. The Attorney General is on the line.

AGM: Hello?

UAI: Yes, what can I do for you?

AGM: Hello?

UAI: Yes, what can I do for you?

AGM: You called me.

UAI: Uhm, no I didn't ma'am.

AGM: Oh. Well somebody just called me. This is the Attorney  
General's Office.

EML: OK. I want you, Lisa, to explain to the - Attorney  
General Fitzgerald - why I can't have my tape to hear who  
authorized you to come on my - (interrupted)

UAI: That isn't what I said ma'am. I said that we would have to figure out what is going on and get a hold of that. And I said I'm going to credit out your account in full. So therefore the issue is closed. There is no more bill to dispute. OK.

EML: No. I want to know who authorized you. I don't care if the account is closed. I want to know how you got my permission to belong on my phone bill as my long distance carrier, because I did not give you my permission.

UAI: I have already explained to you that according to my computer the account was authorized on the eighteenth of November over the phone by Elizabeth Lipp.

EML: It was not - (interrupted)

UAI: It was a taped authorization. As soon as I can get a hold of that I will call you but in the meantime, since you are disputing it and we haven't been able to locate it - (overspeaking)

AGM: Was there - (overspeaking) Was there - (overspeaking)

UAI: - I will go ahead and give you a full credit.

AGM: OK ma'am! Was there a complaint filed with the Attorney General's - (interrupted)

UAI: I don't know? We haven't received one -

EML: Alright, well I can't stay on the line because this is the reception area. So, if you want to file a complaint or something like that I can put you through to the proper division?

UAI: I wasn't the one who called you ma'am. The customer called you up and put me on the line (snickering).

EML: My name's - (interrupted)

UAI: That was -  
(Click - AGM disconnected the line.)

UAI: That was just the receptionist. Do you even know what you're doing?

EML: Yes.

UAI: We just were sitting here having an argument in front of the receptionist at the Attorney General. That doesn't even make any sense. OK. I don't know what your problem is ma'am, but all the charges have been credited and as far as the Attorney General is gonna be concerned that means the issue is closed. If you are pursuing this just because you're bored or what I don't know.

EML: No - (interrupted)

UAI: All the charges have been removed. There is nothing left to dispute. So therefore the matter is over with. I'm sorry if you feel that you have been wronged. That is why I am giving you the credit. OK. I will get a hold of the tape as soon as I can and call you with it but at this point that is immaterial. It doesn't matter anymore because we are taking your word for it. If you say that you never authorized this, I believe you. I am going to go ahead and have all of the charges removed. OK.

EML: I am going to put my advocate on the line. Just a minute.

BJP: Hello. I am an advocate for the consumer. I understand she is having, quite a bit of, problems with you. I want to make it clear:

- That merely crediting her account is not going to resolve the issue,
- That she has been through a substantial amount of hardship here; she has been substantially damaged, and
- If she has made a mistake she is quite willing to take responsibility for it. But, in the alternative, -

(interrupted)

UAI: Do the words blowing something out of proportion mean anything to you? This account was switched. OK. She's upset because she's saying that she never -

BJP: If the damages are small - (interrupted) (overspeaking)

UAI: At this point in time - At this point in time, I am taking her word for it. Fine. She never said yes to it. I am crediting all the charges. The matter is closed!

BJP: No it's not.

UAI: Once the charges are, ah, off the bill then there is no, ah, nothing to dispute anymore. It is -

BJP: Well actually, they should have never been put on her bill and she had to - (interrupted)

UAI: That's fine.

BJP: - suffer, quite a bit, in the interim. And so it is not appropriate. And she has been through a lot of distressing - (interrupted)

UAI: OK. If someone stresses themselves out over something ridiculous that is not something we have any control over.

BJP: Well that is a matter for a jury to decide ma'am. (interrupted)

UAI: A jury. OK.

BJP: I don't think she - (interrupted)

UAI: You know what. I don't know if you people are bored or what. But this is a phone bill. It's been credited.

BJP: This is why you have so many complaints on file.

UAI: (overspeaking) ... watching too much ...

BJP: This is why you are facing - (interrupted)

UAI: (overspeaking) ... I don't know ...

BJP: This is why you are facing expulsion.

UAI: Yeah. OK ma'am. You have a nice day. (Click.) (Line disconnected.) (She hung up on us.)

BJP: (Notation: She concluded that call at 1:53 p.m., c.s.t., on Wednesday, April 1, 1998.)

B.J. Pease (BJP) initiated a telephone call to Ms. Lee A. Somerville, Attorney for Utility Analysts, Inc. (UAI) on Wednesday, April 1, 1998. At the end of the call we created a conference call by adding Serita, a Customer Service Representative (CSR) for Utility Analysts, Inc. to the line.

This is a partial transcript:

...

UAI: Basically, basically, when people call up and complain, we just give them a credit, because it's the easiest thing to do - unless they have some huge phone bill. (NOTATION: Consumer Lipp had called and complained multiple times and she had not received credits nor add they ceased representing that they were her long distance carrier.) But, um, if you client feels she would rather do it this way, I mean, she feels she wants to hear the tape.

...

BJP: She doesn't wish to do business with Basic Long Distance - any longer.

UAI: Right.

BJP: But she is going to want to hear the tape because she had so much trouble getting to that point. I mean it has actually affected her health.

UAI: How long was she on Basic Long Distance?

BJP: Well, one second would have been too long for the conversation that they have without your presence. But, I think it was for approximately three months.

CSR: Yeah. Her, ah, if I can jump in here, her account was actually verified on November 18th.

BJP: But I can tell you she is not imagining it because even the interactions I had with you, Serita, were pretty inappropriate.

CSR: Yeah.

BJP: I was accused of using, what you call, "trailer" language. I was accused of being mentally ill and needing therapy for childhood issues for merely requesting that you deal with the situation.

CSR: Yes. I definitely remember the, ah, conversation. And not to be rude to you, your behavior was absolutely inappropriate. (Interrupted)

UAI: Serita! Serita!

CSR: Yeah.

UAI: Excuse me. This is Lee Somerville.

CSR: Hi Lee Somerville.

UAI: And I would ask you not to argue with people who are calling for complaints.

CSR: Right.

UAI: So that's it. This lady has said what was said to her and that's, that's all that needs to be said Serita.

CSR: Hum?

UAI: That's it.

CSR: OK. So, what -  
UAI: So can you get that tape and ah - (interrupted)  
CSR: Yeah, what I can do is send off for the tape. It will  
take twenty-four to forty-eight hours to come back.  
UAI: Well it should have been sent for yesterday, right? So it  
should be tomorrow - probably.  
CSR: Yeah. Yeah. It might be on back order - as soon as they  
get around to it. Ah, what you might want to do is call  
back for L.S. first thing in the morning - if you need to  
speak to her directly. But otherwise I will make sure the  
tape has been ordered.  
UAI: OK. Ms. Pease, I'll follow-up with you tomorrow.  
BJP: Thank you very much. I appreciate your help.  
UAI: OK.  
BJP: Good-bye.

(NOTATION: That call concluded at 3:57 p.m., c.s.t., 4:57  
p.m., e.s.t., on Wednesday, April 1, 1998.)

0498-03/--A.6

Elizabeth M. Lipp (EML) initiated a telephone call to Ms. Lee A. Somerville, Attorney, for Utility Analysts, Inc. (UAI) at 1 (888) 534-2700 on Monday, April 13, 1998, at 1:40 p.m., c.s.t. B.J. Pease monitored the call.

UAI: Hello. Lee Somerville.  
EML: Yes, this is Elizabeth Lipp calling. And, you had promised a tape that had been mailed ten days ago. In regards to my questions about Basic Long Distance line. And I still have not received that tape.  
UAI: Hang on. Let me get your file. Hang on a moment. What state is this?  
EML: This is from South Dakota.  
UAI: Okay dokey.  
(On hold for 66 seconds.)  
UAI: Ms. Lipp?  
EML: Yes.  
UAI: OK. I remember. You're the lady with the advocate and - who records phone calls. Right? And I had made a call to you and you didn't return my call\*. And I sent it out in the mail to, what I believed is your address, and that is 805 South Lincoln, Aberdeen, South Dakota  
EML: That is not -  
UAI: 57401  
EML: That is not my address.  
UAI: What is your address. I'll send it (unintelligible word).  
EML: It is 615 South Park Street, Apartment Number Two.  
UAI: OK. I'm sorry. 615 South Park Street, Apartment what?  
EML: Number Two.  
UAI: Apartment Number Two. City?  
EML: Aberdeen, South Dakota. Can you - (interrupted)  
UAI: 57401?  
EML: Yes.  
UAI: Is that correct?  
EML: Yes. Can you play that tape for me now?  
UAI: Uh, no. I don't have that facility here.  
EML: Can you FedEx it for delivery for tomorrow morning at 10:30?  
UAI: Uhm, no. I can put it in the regular mail, unless you have a FedEx, uhm, number to give me.  
EML: (No response.)  
UAI: I'll put it in the mail. OK Ms. Lipp? You should get it within a day or two.  
EML: I did return your call that other day\*.

\* UAI's attorney had left a message for Ms. Lipp at 3:57 p.m. on 04/02/98. Ms. Lipp returned her call later that afternoon. The attorney was out of the office. Ms. Lipp returned her call again the next day. The address was never discussed. Ms. Lipp assumed that since they had her name and telephone number they also had her correct address.

UAI: You returned it in the afternoon after our mail had gone out and after this had gone out. And I didn't think to ask your address because I had already sent it out.

EML: Where on earth - (interrupted)

UAI: I don't know where I got that address.

EML: Yeah. I'm wondering where on earth you got 805 South Lincoln.

(NOTATION: Never used that address for a mailing address. I had had a post office box then for over six years.)

UAI: I don't know. I'm trying to find it in my notes.

EML: Because I haven't lived there for a couple of years already.

UAI: Huh?

EML: And if Basic Long Distance had it, ah, I don't know what's going on here!

UAI: I don't know. The first person I talked to about you was Ms. Pease but I can't really see where I got the address. (NOTATION: Ms. Pease never discussed the consumer's address; Ms. Pease was never asked for the address.) She called me on the first. Uhm. Yeah, I'll put it in the mail again. I'll have to get a copy made.

EML: Well this was supposed to have been done ten days ago.

UAI: I put it in the mail on the third. That was eleven days ago. Or, ten days ago; you're right.

EML: There isn't any way you can FedEx this to me?

UAI: Uhm, possibly. I need to get a copy of the tape made - in order to do that. I had two copies. I mailed one to you. So now I need to have another copy made. So it could probably go out tomorrow.

EML: If you had mailed it, it should have even been back to you by now. Because -

UAI: I know. And it has not come back. Which is, you know, a concern of mine.

EML: Well this is very unusual. Because my address has been changed for over two years and they usually return those things to the person who mailed them.

UAI: What was your phone number?

EML: 226-0058.

UAI: OK. I've got the right phone number.

EML: Well that stays the same wherever I move.

UAI: OK. Maybe it's going to be forwarded to you. That's another possibility. Do you have a forwarding order on your mail?

EML: It has been forwarded for two years.

UAI: So you continue to get forwarded mail?

EML: Not unless it's - somebody agrees to pay the forwarding - the sender. There is a one year limit on our post office forwarding.

UAI: So, it should have been back here by now.

EML: Well, this is why I'm wondering if I'm gonna get one.

UAI: Yeah, you'll get one. I'll send it to you. I need to get another copy made.

EML: But, your company promised to play it for me, the tape, on line so that I could even hear it.

UAI: Well I don't have that facility here ma'am. Uhm, I will go ahead and mail you another copy. To 615 South Park Street, Apartment Number Two, Aberdeen, South Dakota 57401.

EML: I would rather have you FedEx it. I have waited long enough for it.

UAI: Well, I will see what they are willing to do over there. OK?

EML: I'll pay for it if I have to.

UAI: I'll see what they're willing to do over there. I need to get someone to make a copy for me.

EML: Well, we, I have to - I mean I'm getting - (interrupted)

UAI: What do you need it for? At 10:00 tomorrow morning?

EML: Because I think I've waited long enough for it. I mean I want to wind this up and get it over with. But I - (interrupted)

UAI: Ma'am that's fine. You know, if you would have called me last week and said you hadn't gotten it yet, I would have put it in the mail last week and you would have had it by 10:00 tomorrow!

EML: We were supposed to have had it by Friday last week. And I gave you another day. Ah, just - (interrupted)

UAI: What do you mean you gave me another day? I mailed it out on the third.

EML: We were counting - (interrupted)

UAI: And I mailed it out after - What are you counting on it for?

EML: Because I want to hear how I agreed to - supposedly agreed to this long distance line.

UAI: Well I have a tape player here. It's not hooked into the phone. Let me see if it'll play it. Hang on.  
(Long pause.)  
OK. I'm just gonna turn on my tape player and see if you can hear it. It's not hooked into the phone system though.

Are you there Ms. Lipp?

EML: Yes, I'm here.

UAI: (Long pause.)  
I don't know exactly when it starts. We'll just have to wait.

EML: Well, I don't know why your company even promised to play it for me if they didn't have the equipment.

UAI: Hang on ma'am! I've got it on my tape player! It's just (unintelligible) start.  
(Very long pause.)  
(NOTATION: You can hear papers shuffling and what sounds like pen scribbling.)  
You know, I can't get this thing to play at all right now. Why don't I call you back when I can get it to turn on or the alternative I will get someone to call you from the company.

EML: Well - (interrupted)

UAI: Are you gonna be home today?

EML: I'm not sure. I have other engagements I have to - (interrupted)

UAI: Well what time would be a good time to call you back?

EML: I'm not sure when I'm going to be home. I expect -  
(interrupted)

UAI: OK. OK. I will get a tape and put it in the mail to you  
then.

EML: FED EXPRESS 10:30.

UAI: You have a good day now.

EML: You can put it on my phone answering machine, at home,  
also. But I would absolutely like a copy of the tape  
FedEx'd by 10:30 tomorrow morning. And I really expect  
you to keep your promises.

UAI: I haven't made any promise ma'am. (NOTATION: She made  
substantial promises recorded on tape. She promised to  
mail the tape to the consumer - not a stranger's address.)  
I did put a tape in the mail on April 3rd to you. Had you  
returned my call and told me your address was different, I  
would have sent it to the correct address. But you got  
Ms. Pease on the line after I had already sent it and no  
productive discussion came out of that.

EML: You did not - (interrupted)

UAI: Now that you've given me your address, I can send it.

EML: You did not call me and ask me for my correct address  
after you had said that you were going to send us the  
tape. I didn't know that you didn't have the correct  
address.

UAI: Neither did I.

EML: You could have gotten it from those bills that Basic Long  
Distance was sending to me.

UAI: Basic Long Distance doesn't directly bill.

EML: Well, they surely must know where they're billing their  
"customers". I mean - (interrupted)

UAI: Well, apparently they don't. They don't do any of the  
direct billing. They don't have a relationship with the  
biller.

EML: Well - (interrupted)

UAI: I will look into getting you a copy of this tape.

EML: FED EX by - (interrupted)

UAI: Will you let me know if you receive the other one?

EML: If I ever do!

UAI: OK. You will call me, no matter what date you get it on,  
and just leave a message that you did receive the one that  
I sent to the wrong address?

EML: And, let me know where you got that address!

UAI: I don't know where I got it.

EML: Well I want that FedEx'd by 10:30 tomorrow morning and, if  
I get it, I will let you know.

UAI: OK. Thank you very much.

(NOTATION: That call concluded at 2:10 p.m., c.t., on  
Monday the 13th of April, 1998.)

TC98-074	Application by U S WEST Communications to apply cancellation charges when a customer cancels an order for installation prior to that service being ready for the customer's use. U S WEST filed to revise pages in its Access Service Tariff and its Private Line Services Catalog. (Staff: TS/KC)	04/23/98	05/08/98
<b>NEGOTIATED INTERCONNECTION AGREEMENT FILED</b>			
TC98-075	U S WEST Communications, Inc. filed for approval by the Commission the negotiated Interconnection Agreement between U S WEST Communications, Inc. and COMBCHOCIE LLC. Any person wishing to comment on the parties' request for approval may do so by filing written comments with the Commission and the parties to the agreement no later than May 13, 1998. Parties to the agreement may file written responses to the comments no later than June 1, 1998.	04/23/98	Response Due: 05/13/98

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Norum at: [terry@state.sd.us](mailto:terry@state.sd.us). Filing the address to the Commission at: 605-773-3809

PAGE 2 OF 2

South Dakota Public Utilities Commission State Capitol 500 E. Capitol Pierre, SD 57501-5070 Phone: (605) 773-3705 Fax: (605) 773-3809		<b>TELECOMMUNICATIONS SERVICE FILINGS</b> These are the telecommunications service filings that the Commission has received for the period of: <b>04/17/98 through 04/23/98</b> If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.	
DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
<b>FORMAL COMPLAINT FILED</b>			
TC98-071	Elizabeth M. Lipp vs Utility Analysts, Inc. d/b/a Basic Long Distance. "On my January 10, 1998, U S WEST telephone bill I discovered long distance charges from an unauthorized carrier. This ongoing situation has caused me to have to make several telephone calls. After lengthy discussions with U S Billing, Inc., they agreed to provide some retractions, but to date none have appeared on my bills... The "fact" is I resent being SLAMMED into the position of having to deal with them." I ask that the Commission grant the following relief: "Prohibit any Utility Analysts, Inc., including aliases, from doing business in the state of South Dakota. Prohibit their agent, U S Billing, Inc., from doing business in the state of South Dakota until they can demonstrate they can and will actually protect consumer information. Require Utility Analysts, Inc. to reverse all charges they have had processed for all consumers in the state of South Dakota. Require Utility Analysts, Inc. and their agents to immediately pay me \$5,000.00 for putting me and my friend in the emotionally distressing position of being belittled, lied to, lied about, and taunted. Additionally, I request you require Utility Analysts, Inc. and their agents to pay me \$1,000.00 for copies, postage, long-distance charges, 900 number assistance, time, mileage, privacy loss, etc." (Staff: LH/CH)	04/15/98	NA
<b>WAIVER OF SWITCHED ACCESS RULES</b>			
TC98-072	Petition by Fort Randall Telephone Company for an extension of the waiver of the switched access rules granted in TC96-125. Fort Randall requests that it be allowed to continue charging a seven cent switched access rate in all seven of its exchanges until the Commission approves a new rate, based on a cost study conducted for all of Fort Randall's exchanges using calendar year 1998 data. Fort Randall did not acquire the Tabor, Centerville and Viborg exchanges until June 1, 1997, and it does not have 12 months of actual operations and traffic information for these three exchanges. (Staff: HB/CH)	04/23/98	05/08/98
TC98-073	Petition by Vivian Telephone Company for an extension of the waiver of the switched access rules granted in TC96-125. Vivian requests that it be allowed to continue charging a seven cent switched access rate in the eight exchanges it purchased from U S WEST Communications until the Commission approves a new rate, based on a cost study using calendar year 1998 data. This request has no effect on the switched access rate being charged in the Vivian exchanges purchased from GTE. Vivian did not acquire the Lesterville, Gregory, Witten and Clearfield exchanges until June 1, 1997, and it does not have 12 months of actual operations and traffic information for these four exchanges. (Staff: HB/CH)	04/23/98	05/08/98
<b>NONCOMPETITIVE TELECOMMUNICATIONS FILING</b>			

PAGE 1 OF 2

19391 Inkster Rd  
Livonia, MI 48152  
Phone: 248-777-7886  
Fax: 248-777-1986

TC98-071

Utility Analysts, Inc.

# Fax

To: Leni Healy	From: Brian Somerville
Fax: 1-805-773-3809	Date: May 11, 1998
Phone: 1-805-773-3201	Pages: 6 including fax cover
Re: Information requested	CC:

Urgent     For Review     Please Comment     Please Reply     Please Recycle

-Comments: Following to our response to Elizabeth Lipp for tomorrow's meeting. We did send the verification tape to Mrs. Lipp on April 14<sup>th</sup> although we have never received confirmation from her regarding receipt of the tape.

LAW OFFICE OF

**Lee A. Somerville**

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30700 TELEGRAPH ROAD  
SUITE 4646  
BINGHAM FARMS, MICHIGAN 48025  
(248) 844-8211  
(248) 842-6500 FAX

April 14, 1998

Ms. Elizabeth Lipp  
615 S. Park St., Apt. 2  
Aberdeen, South Dakota 57401

Re: Basic Long Distance

Dear Ms. Lipp,

Enclosed please find a copy of the tape I promised to provide, and originally mailed on April 3<sup>rd</sup> to your prior address. The envelope has not returned to my office, so it may still be delivered to you. As you requested, I called your answering machine and played the tape today. I do not have special facilities to do this, so I simply held a tape player up to the phone. When the tape was over I heard a beeping sound on the line, so I assume your machine cut off while I was playing the tape. In any event, you now have a copy to play as you wish.

Once again, although the tape does show that you confirmed your order, Basic Long Distance will credit your account in full. I have been told that a full credit amounts to \$16.43. It should appear on your bill in two or three billing cycles. Basic Long Distance is sorry for any confusion or inconvenience this may have caused for you. If you have not already done so, you must contact a new long distance carrier, so that your long distance calls will be sent through that carrier, rather than Basic Long Distance.

Please do not hesitate to call if you have any questions or concerns, and please contact me if you have not received a credit on one of your next three phone bills.

Very truly yours,

  
Lee A. Somerville

enc.

cc: Basic Long Distance

LAW OFFICE OF  
**Lee A. Somerville**

30700 TELEGRAPH ROAD  
SUITE 4646  
BINGHAM FARMS, MICHIGAN 48025  
(248) 644-8211  
(248) 642-6500 FAX

April 13, 1998

Ms. Elizabeth Lipp  
615 S. Park St., Apt. 2  
Aberdeen, South Dakota 57401

Re: Basic Long Distance

Dear Ms. Lipp,

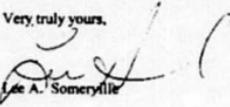
Enclosed please find a copy of the letter I sent with your tape on April 3<sup>rd</sup>. The envelope has not returned to my office, so it may still be delivered to you. In any event, I cannot have another tape made today, so I cannot Federal Express it to you. I will forward it as soon as another copy is available. In the meantime, if you receive the copy I mailed April 3<sup>rd</sup>, you have agreed to let me know.

Once again, although the tape does show that you confirmed your order, Basic Long Distance will credit your account in full. I have been told that a full credit amounts to \$16.43. It should appear on your bill in two or three billing cycles. Basic Long Distance is sorry for any confusion or inconvenience this may have caused for you.

If you have not already done so, you must contact a new long distance carrier, so that your long distance calls will be sent through that carrier, rather than Basic Long Distance.

Please do not hesitate to call if you have any questions or concerns, and please contact me if you have not received a credit on one of you next three phone bills.

Very truly yours,



Lee A. Somerville

enc.

cc: Basic Long Distance

LAW OFFICE OF

**Lee A. Somerville**

---

30700 TELEGRAPH ROAD  
SUITE 4648  
BINGHAM FARMS, MICHIGAN 48025  
(248) 844-6211  
(248) 842-6500 FAX

April 3, 1998

Ms. Elizabeth Lipp  
805 S. Lincoln  
Aberdeen, South Dakota 57401

Re: Basic Long Distance

Dear Ms. Lipp,

I called your home regarding your complaint against Basic Long Distance yesterday. I have been contacted by Ms. Pease, who identified herself as your "advocate", but I was not too clear on what the relationship was, so I tried to speak with you directly. Later yesterday Ms. Pease called to say that she knew I had contacted you directly, so I assume that you gave her that information, which does confirm, to my understanding, that she is acting on your behalf.

Ms. Pease indicated that you wanted to hear the tape of yourself ordering the service. Basic Long Distance does not record sales calls. The company uses a third party verification center, "The Confirmation Center", to call customers back and verify their order before the customers' long distance service is actually switched. This is the conversation that was recorded. The conversation occurred on or about November 18, 1997, and I have enclosed the tape. I had promised to play this tape for Ms. Pease over the phone yesterday, but The Confirmation Center indicated that they could not produce it. I called Ms. Pease to let her know the tape was lost, and that under the circumstances, Basic Long Distance would credit your account in full. (I understand that you had been offered a full credit in the past, but Ms. Pease refused the credit, insisting on hearing the tape.) In any event, several employees stayed late last night to search for the tape, and were able to produce it today. I have enclosed it so you may review it at your leisure. I will not call Ms. Pease to play it because your voice is very faint and may be difficult to hear over the phone. Also, she has a difficult time ending phone conversations, and I do not want to be accused of hanging up on her when I must end the conversation! In any event, you now have a copy and may play it for her if you choose to do so.

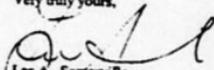
Although the tape does show that you confirmed your order, Basic Long Distance does not want any dissatisfied customers, and will credit your account in full. I have been told that a full credit amounts to \$16.43. It should appear on your bill in two or three billing cycles. Basic Long Distance is sorry for any confusion or inconvenience this may have caused for you.

Ms. Elizabeth Lipp  
April 3, 1998  
Re: Basic Long Distance

If you have not already done so, you must contact a new long distance carrier, so that your long distance calls will be sent through that carrier, rather than Basic Long Distance.

Please do not hesitate to call if you have any questions or concerns, and please contact me if you have not received a credit on one of your next three phone bills.

Very truly yours,



Lee A. Somerville

enc.

cc: Basic Long Distance

## TAPE TRANSCRIPT

Elizabeth Lipp

- CC Rep: My name is Mrs. Lee from the Confirmation Center recording for accuracy November 18. For the record, please state your first and last name.
- Customer: Elizabeth Lipp. On my directory listing though it's under EM.
- CC Rep: Ok, not a problem. We have your main bill phone number there is 226-0058, you do around ten dollars a month is long distance and your date of birth is October 23<sup>rd</sup>, correct?
- Customer: That's right.
- CC Rep: If your bill is twenty five dollars a month or more there is no service fee, under twenty five is two fifty. But now we're confirming that you're the authorized person. We have your permission to keep everything in one bill from your local phone company. Long distance provided by Basic Long Distance. Correct?
- Customer: Correct.
- CC Rep: Great. You'll have a flat rate of a quarter a minute to the US as well as Canada, international calls vary. Service starts in five to ten days provided by Basic Long Distance which is independent of US West. That's all the information I need. If you have no questions thank you for your time and you have a lovely day, ok?
- Customer: Thank you.
- CC Rep: Alright, bye bye.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY ELIZABETH M. LIPP, ABERDEEN, SOUTH )	COMPLAINT AND CLOSING
DAKOTA, AGAINST UTILITY ANALYSTS, INC. )	DOCKET
D/B/A BASIC LONG DISTANCE REGARDING )	
SLAMMING )	TC98-071

On April 15, 1998, the Public Utilities Commission (Commission) received a formal complaint by Elizabeth M. Lipp, Aberdeen, South Dakota (Complainant), against Utility Analysts, Inc. d/b/a Basic Long Distance (Utility Analysts) concerning slamming. Since the filing of the complaint, Commission Staff received word from Elizabeth M. Lipp and Utility Analysts that they had resolved all the issues raised in the complaint and Elizabeth M. Lipp requested that the complaint be dismissed and the docket closed.

On May 12, 1998, at its regularly scheduled meeting, the Commission reviewed this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-31-7, 49-31-7.1 and ARSD 20 10 01 07 01 and 20 10 01 08 01. As Elizabeth M. Lipp and Utility Analysts had resolved all the issues complained of by Elizabeth M. Lipp and she had requested dismissal and closure of the docket, Commission Staff recommended that the Commission close the docket. The Commission voted to close the docket. It is therefore

ORDERED, that this complaint be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of May, 1998.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Shirley Kachko

Date: 5/26/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner