Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Utility Consumers' Action Network (UCAN), Complainant, vs. Sprint Telephony PCS, L.P. (U3064C) dba Sprint PCS, aka Sprint Spectrum L.P., aka Sprint Nextel, aka Wireless L.P. (U3062C), and related entities collectively "Sprint," Defendant.	Case 08-08-026 (Filed August 25, 2008)

DECISION APPROVING SETTLEMENT AGREEMENT

Summary

This decision approves a settlement between Utility Consumers' Action Network and the Sprint Telephony PCS, L.P. dba Sprint PCS aka Sprint Nextel, aka Wireless L.P.. The terms of the settlement agreement provide for customer refunds estimated at $521,000 and opportunities for changes to service plans.

We find the settlement agreement meets all of the Commission's requirements, and should be approved.

I. Background

On August 25, 2008, the Utility Consumers' Action Network (UCAN) filed this complaint against Sprint Telephony PCS, L.P dba Sprint PCS aka

Sprint Nextel, aka Wireless L.P. (Sprint) alleging that Sprint's Pioneer Program violated numerous provisions of California law and the Commission's rules and regulations.

On November 2, 2008, Sprint filed its answer to the complaint and stated that it had identified billing and service errors with regard to the Pioneer Program and that it was working diligently to correct these errors.

On December 17, 2008, the assigned Administrative Law Judge (ALJ) convened a prehearing conference where the parties committed to work toward a mutually acceptable resolution of the complaint and requested that the Chief ALJ assign another ALJ to provide any Alternative Dispute Resolution services required by the parties. Although such an assignment was made by ruling on January 15, 2009, the parties were able to resolve the matter among themselves.

On January 16, 2009, UCAN filed and served its Notice of Intent to Claim Intervenor Compensation for its work in this proceeding.

On June 12, 2009, the parties submitted a joint status report wherein they reported that they have been engaged in active discussions for settlement of the proceeding. The parties found these efforts to be productive but were not yet complete. They, therefore, requested and were granted an extension until September 15, 2009, to continue their efforts and submit a status report.[1]

On July 30, 2009, the Commission issued Decision (D.) 09-07-046 extending the statutory deadline for resolving this proceeding to August 25, 2010.

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[1] At the joint request of the parties, the deadline for completing the settlement negotiations was subsequently extended by the assigned ALJ.

On December 18, 2009, UCAN and Sprint submitted their joint motion for approval of settlement agreement, and on January 14, 2010, the parties jointly submitted an amended settlement agreement. The amended settlement agreement reflects five minor revisions to the original settlement agreement and is Attachment A. All references in today's decision refer to the amended settlement agreement.

The parties state that the settlement agreement is "the result of extensive and creative settlement discussions" where the interests of the customers "were made paramount."

As set forth in the settlement agreement, Sprint agrees to address various billing errors that occurred for its Pioneer Plan customers by:

1. correcting the errors,
2. crediting or refunding those customers who received unauthorized charges due to billing errors, with total estimated credits and refunds estimated at $521,281.67,
3. providing notice to customers of the corrections,
4. offering customers an opportunity to reactivate accounts that were terminated, and
5. allowing dissatisfied customers to change or terminate plans without incurring an early termination fee.

The parties request that the Commission's decision approving the settlement agreement become effective 30 days after the date of the decision. The purpose of the delay is to allow Sprint to prepare to comply with the decision.

II. The Settlement is Reasonable in Light of the Whole Record, Consistent With Law, and in the Public Interest

In order for a settlement to be approved by the Commission, the settlement must be: 1) reasonable in light of the whole record; 2) consistent with law; and

3) in the public interest. (See D.04-07-006, *PG&E v. Calpine Corp., et al.*, "Opinion Approving Settlement," *mimeo*. at 10-15.)

The settlement is reasonable in light of the whole record. The Parties worked together for 18 months fully analyzing Sprint's Pioneer program's billing issues and carefully developed a comprehensive plan to address those issues. The five minor modifications shown in the amended settlement agreement are clear evidence of the parties' attention to detail and commitment to customers' interests. We, therefore, conclude that the settlement agreement is reasonable in light of the record.

The settlement agreement is consistent with the law. No term of the settlement agreement contravenes statutory provisions or prior Commission decisions. The parties reached their settlement in accordance with Article 12 of the Commission's Rules of Practice and Procedure.

Approving the settlement agreement is in the public interest because it will bring prompt refunds to customers and allow customers to change plans without incurring additional fees. Furthermore, the Settlement Agreement serves the public interest by expeditiously resolving issues that otherwise would have been litigated. The parties should be commended for their skillful efforts in resolving this matter. Based on the foregoing evaluation criteria, the settlement agreement meets the applicable legal standards.

III. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2) and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

IV. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Maribeth A. Bushey is the assigned ALJ in this proceeding.

Findings of Fact

1. The settlement agreement corrects billing errors with credits or refunds to customers.
2. The settlement agreement gives customers notice and opportunities to make changes to their plans without incurring an early termination fee.
3. The settlement agreement resolves all issues in the complaint.
4. All parties support the settlement.
5. Hearings are not necessary.

Conclusions of Law

1. The settlement is reasonable in light of the whole record.
2. The settlement is consistent with the law.
3. The settlement agreement is in the public interest.
4. The settlement agreement should be approved.

O R D E R

IT IS ORDERED that:

1. The amended settlement agreement, included as Attachment A to this decision, is approved.

2. The parties must comply with the provisions of amended settlement agreement.

3. Case 08-08-026 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

Bushey Attachment A