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BEFORE OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Utility Consumers' Action Network (UCAN),)

Complainant,)

vs.)

MCI Communications Service, Inc. d/b/a)

Verizon Business Service (U-5378-C),)

Defendant.)

Complaint No.: 10-01-010
(Filed January 5, 2010)

**UTILITY CONSUMERS' ACTION NETWORK MOTION TO WITHDRAW
COMPLAINT**

Mike Scott
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March 9, 2010

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, and for the reasons set forth below, Complainant Utility Consumers' Action Network ("UCAN") respectfully requests to withdraw its complaint without prejudice in the above-referenced matter.

I. DISCUSSION

1. On January 5, 2010, UCAN filed its Complaint against MCI Communications Services, Inc. ("MCI") to resolve a dispute concerning unauthorized charges for operator assistance never requested nor received by non-MCI customer Dr. Serafeim Masouredis and similarly situated California consumers.
2. Prior to filing the Complaint, UCAN contacted now former MCI employee Louis DeCarlo, who had previously been designated as a contact for UCAN for resolving consumer disputes.
3. UCAN engaged in good faith discussions with Mr. DeCarlo to discover the reason why Dr. Masouredis was billed for operator assisted calls, when he alleges he did not attempt to place operator assisted calls and to the best of his recollection had not received operator assisted nor even interacted with an operator when placing his calls to Greece.
4. UCAN also sought information concerning the prevalence of this type of billing dispute to determine if there were consumers in addition to Dr. Masouredis who may have needed their charges reviewed and to help discover the cause of the charges.
5. Discussions with Mr. DeCarlo began in October 2010 and continued into December 2010.
6. Mr. DeCarlo maintained that MCI had correctly billed Dr. Masouredis, that no error occurred, and the Dr. Masouredis would be billed for those charges.

7. Mr. DeCarlo did not provide an explanation as to why MCI was maintaining the charges were not in error despite Dr. Masouredis' claims to the contrary.
8. In December 2010, UCAN notified Mr. DeCarlo via email that it was not satisfied with the information it had received at this point and would pursue other means of resolving this dispute as continued conversations with Mr. DeCarlo did not appear fruitful. UCAN did not receive a response from Mr. DeCarlo following the email.
9. UCAN then brought this complaint. Following filing of the complaint, MCI contacted UCAN to resolve the matter without further litigation.
10. MCI, with Dr. Masouredis' permission, provided UCAN with detailed billing records concerning the disputed calls; MCI indicated that it has not received complaints similar to Dr. Masouredis; and MCI has indicated it will not bill Dr. Masouredis for these charges.
11. While UCAN is still of the belief that Dr. Masouredis did not authorize these charges, UCAN believes that the dispute is now resolved to Dr. Masouredis's satisfaction.
12. UCAN further asserts that given the unusual situation concerning the calls and MCI's representations as to the results of their investigation concerning the various issues resolved, the billing dispute may be unique to Dr. Masouredis.

WHEREFORE, UCAN respectfully requests that this motion to withdraw its complaint without prejudice in the above-referenced proceeding be granted.

Respectfully submitted,

Dated: March 9, 2010

_____/s/_____
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CERTIFICATE OF SERVICE

I, Laura Impastato, declare: I am employed in the City and County of San Diego, California. I am over the age of 18 years and am not a party to this action. On March 9, 2010, I served the UTILITY CONSUMERS' ACTION NETWORK MOTION TO WITHDRAW COMPLAINT upon the public service list in this proceeding, as well as, the Administrative Law Judge.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on March 9, 2010.

Signed,

/s/

Laura Impastato

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