

## ATTACHMENT A

Slamming Citation #116, Case ID #07-02-0445  
Joint Statement of Facts, CPSD and Time Warner Cable

1. On March 20, 2007, Ms. Brenda Davis filed a complaint with the California Public Utilities Commission's Consumer Affairs Branch (CAB), alleging that her telephone and internet service had been switched from AT&T to Time Warner Cable without her authorization.
2. Ms. Davis' complaint alleges that she received a solicitation from a Time Warner Cable sales representative in November 2006 offering her a trial period for Time Warner Cable's new Digital Phone service. Ms. Davis had been served by AT&T as her telephone service provider, and her complaint alleges that she was happy with her AT&T service and therefore declined Time Warner Cable's offer.
3. On or about December 29, 2006, a Time Warner Cable service technician came to her house to install Time Warner Cable's services, and Ms. Davis told the technician that she did not want their service and to cancel the order.
4. In approximately mid-January of 2007, Ms. Davis' local and long distance telephone service with AT&T was transferred from AT&T to Time Warner Cable. She made several attempts to contact Time Warner Cable to rectify the situation, but was unsuccessful. Eventually, Time Warner Cable restored her telephone service to AT&T and issued her a refund that exceeded her costs of switching providers and fully credited her account for the costs of the Time Warner Cable Digital Phone service. Specifically, Time Warner Cable provided Ms. Davis with a \$300 credit; three months of "The Movie Tier" video product; and three months of both "Showtime" and "Starz" video services.

5. Ms. Davis also alleges that in January 2007 she contacted the Federal Communications Commission (FCC) and was told that the FCC does not “handle any situation like this in the state of California” and to contact the CPUC.
6. After CAB received Ms. Davis’ complaint, it was forwarded to CPSD for further investigation pursuant to Commission Resolution UEB-001.
7. On September 10, 2007, CPSD issued Citation #116 to Time Warner Cable, based on a letter from Time Warner Cable to the Commission, dated June 21, 2007, stating that Time Warner Cable could not locate any Third Party Verification (TPV) of Ms. Davis’ confirmation that she intended to switch her telephone service from AT&T to Time Warner Cable. Citation #116 cites Time Warner Cable for failure to provide to the Commission a TPV or other acceptable evidence showing that a change in telephone service provider had been made.
8. On September 28, 2007, Time Warner Cable appealed Citation #116. By agreement between the parties, no hearing is being held in this matter and, instead, CPSD is filing an opposition to the Time Warner Cable appeal and Time Warner Cable will then file a reply to that opposition.

**(END OF ATTACHMENT A)**