

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Michael Perez,

Complainant,

vs.

Verizon Wireless, (U3029C),

Defendant.

(ECP)
Case 12-07-009
(Filed July 10, 2012)

Michael Perez, for himself, Complainant
Jody Citizen, for Verizon Wireless, Defendant

DECISION DENYING RELIEF

1. Summary

Complainant, Michael Perez, contends that the Defendant, Verizon Wireless (Verizon) engaged in “slamming” when it improperly gave his AT&T home phone number to a new Verizon customer which resulted in his home phone service being disconnected. Complainant also contends that he incurred various charges to have his service restored. He has requested that the California Public Utilities Commission (Commission) fine Verizon for its actions. Verizon acknowledges that it accidentally ported the Complainant’s AT&T number to a Verizon customer. Verizon contends that it was a mistake for which it apologized and that any and all charges incurred by Complainant were refunded and that additional compensation was offered to the Complainant. Verizon

argues that it should not be fined or its business activities curtailed in California because of a mistake that has been rectified. Complainant has failed to demonstrate that Verizon has engaged in any activity or violated any applicable rule, law or tariff that would warrant a fine from the Commission. The Complainant's request for relief is denied and the case is dismissed.

2. Complainant's Position

Mr. Perez indicates that on April 24, 2012¹ he discovered that his home telephone (landline) was out of order. His home telephone service was provided by AT&T. Mr. Perez indicates that he spoke with several different people at AT&T before he was told that his number had been given (ported) to a Verizon mobile phone customer. After contacting Verizon, Mr. Perez's number was eventually returned to him. Though Mr. Perez was an AT&T customer, his landline service was actually provided by Verizon California, Inc. (VZC).² Complainant was initially unable to reinstate his landline service with AT&T, instead he had to open a VZC account. The account was opened on approximately April 27. For several weeks Mr. Perez received his landline service directly from and was directly billed by VZC. Sometime in May Mr. Perez's AT&T account was reestablished. Verizon subsequently refunded Mr. Perez the VZC usage and other charges, via check.

3. Defendant's Position

Verizon does not dispute the fact that it ported Mr. Perez's landline number to a Verizon mobile phone customer and acknowledges that Mr. Perez's

¹ All months referenced are in 2012.

² AT&T resold the VZC service to Mr. Perez.

landline service was unavailable for several days. Verizon denies that it engaged in “slamming” with the Complainant’s account. Verizon points out that the Commission defines slamming as the switching of a customer from one telephone service provider to another without their consent or approval. Verizon argues that Mr. Perez’s service was not switched to another company but instead his number was mistakenly ported to a Verizon customer. Verizon argues that the porting was done by mistake and that when the mistake was discovered Mr. Perez’s landline number was returned to him. Verizon acknowledges that Mr. Perez was inconvenienced by the (temporary) loss of his number and that he was forced to open and maintain a VZC account for several weeks before his AT&T account could be restored. Verizon points out that it refunded all the usage and other charges incurred by Mr. Perez on the VZC account. In addition, the Verizon representative testified that Mr. Perez was offered additional compensation of \$500.00, which he refused. Mr. Perez acknowledged the Verizon offer.

4. Discussion

Mr. Perez was clearly inconvenienced by the (temporary) loss of his landline service due to Verizon mistakenly porting his number to one of their customers. He was also justifiably frustrated by the effort he had to expend, making numerous calls to AT&T and Verizon, to get his number back and his landline service restored. However, Verizon has acknowledged its mistake and refunded to Mr. Perez the usage and other charges he incurred. In addition, Verizon offered Mr. Perez \$500.00 in additional compensation, which he rejected. Given the totality of the circumstances, Complainant has failed to demonstrate that Verizon has engaged in any activity or violated any applicable rule, law or

tariff that would warrant a fine from the Commission. The Complainant's request for relief is denied and the case is dismissed.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and W. Anthony Colbert is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. The Complainant's request for relief is denied.
2. The case is dismissed.
3. Case 12-07-009 is closed.

This order is effective today.

Dated _____, at San Francisco, California.