

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Martha K. Williams,

Complainant,

vs.

AT&T Mobility Wireless Operations
Holdings, dba AT&T Mobility (U3021C),

Defendant.

(ECP)

Case 14-04-029

(Filed April 25, 2014)

DECISION DISMISSING COMPLAINT**Summary**

Complainant alleged that she had been improperly billed for late charges and a 411 call. AT&T credited her account for the full amount of the claimed improper charges. Accordingly, there is no longer a justiciable issue and the complaint is dismissed.

Discussion

Although the California Public Utilities Commission (Commission) has no jurisdiction over rates charged by wireless companies, we retain jurisdiction to adjudicate disputes regarding “other terms and conditions” of wireless contracts. The items about which the complaint was filed were a recurring monthly late fee and a fee for a 411 information call. Neither the late fee nor the 411 fee constitutes a “rate” for regulatory purposes and therefore the complaint is

properly before us.¹ In response to the filing of the complaint, AT&T credited Williams' account for the full disputed amount of both the late fee and the 411 charge, effectively mooting the complaint.

Complainant Williams has accepted the bill adjustment but does not agree that the matter is mooted. She asks this Commission to take (unspecified) action against AT&T for what she regards as continuing harassment and which the company characterizes as standard monthly billing for unpaid late fees and 411 charges. On this issue we side with the company. Repeatedly sending a customer a bill that includes an unpaid late fee, even if the late fee is disputed, is not harassment. Neither is repeatedly sending a bill that includes an item for a disputed 411 call. As a consequence, once AT&T credited Williams' for the disputed amounts, there was nothing left for us to decide and the case should be dismissed as moot.

Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner, and Karl J. Bemederfer is the assigned Administrative Law Judge.

¹ The late fee is not a rate because it is not a charge for telephone usage. It is a charge for the extension of credit involved when the wireless company gives the customer a grace period within which to pay a bill and the customer does not pay within that grace period. The 411 fee is not a rate because it is a charge for a separate service that is voluntarily incurred when the customer dials 411.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed.
2. Case 14-04-029 is closed.

This order is effective today.

Dated _____, at San Francisco, California.