

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Reza Jahangani,

Complainant

vs.

Sprint Telephony PCS, LP (U3064C),

Defendant.

(ECP)

Case 14-09-012

(Filed September 17, 2014)

Reza Jahangani, for himself,
Complainant.

No appearance on behalf of Sprint Telephony PCS, LP,
Defendant.

DECISION GRANTING RELIEF

Summary

Complainant requests Sprint Telephony PCS, LP (Sprint) to credit \$717.67 to his current line of service for his cellular phone because of fraudulent activity on his account. A representative from Sprint failed to attend the hearing in this proceeding and thus Sprint did not contest the complaint. We award the Complainant \$717.67 to be credited to his account and also order Sprint to provide one year of free credit monitoring by a reputable credit monitoring service for Mr. Reza Jahangani.

1. Complainant's Contention

The Complainant, Reza Jahangani, is a customer of Sprint Telephony PCS, LP (Sprint) and currently has an account for his cellular phone service. Mr. Jahangani states that he was billed for three lines of service that he did not request as well as three iPads he did not order. Also, Mr. Jahangani states that the last name on his account has been misspelled despite repeated attempts to correct the mistake. Mr. Jahangani submitted a dispute to Sprint and called on several occasions to resolve the misspelling, but the only response given to Mr. Jahangani was to wait for a three-day window to change his number to another carrier. Mr. Jahangani did not pursue this route because he did not want to change his number. Mr. Jahangani also contends that while Sprint did admit to the fraud on his account concerning the iPads, Sprint failed to change the incorrect spelling of his last name or credit him for the fraudulent service on his telephone lines. As such, Mr. Jahangani requests that Sprint credit \$717.67 to his account.

2. Defendant's Contention

In its Answer to the complaint, Sprint contends that Mr. Jahangani's complaint should be dismissed because: 1) Sprint already credited Mr. Jahangani's account for the fraud that occurred concerning the iPads; and 2) Mr. Jahangani failed to follow the procedures to change the spelling of the name on his account from Jahanghani to Jahangani as directed by a Sprint representative. Sprint submits that any other charges incurred on Mr. Jahangani's cell phone account were unassociated with the past fraud and are valid.

Sprint's fraud department investigated Mr. Jahangani's allegation concerning the three lines of service and the three iPads and found that fraud

had in fact occurred with the purchase of the iPads.¹ After making the determination that fraud had occurred, Sprint states that it credited Mr. Jahangani's account for the full amount incurred for the fraudulent purchase of the iPads.²

Sprint also states that a Sprint representative informed Mr. Jahangani how to change the incorrect spelling of his last name. Sprint contends that Mr. Jahangani was told that he would have to either go to a Sprint store and present valid identification to a representative or log-in to sprint.com and make the name change online.³ Sprint asserts that Mr. Jahangani refused to use either option to correct the spelling of his last name.

To resolve the complaint, Sprint states that it offered to waive the outstanding balance on the account in exchange for a settlement with Mr. Jahangani.⁴ However, Sprint alleges that Mr. Jahangani rejected the settlement because the settlement did not suggest any admission of liability, wrongdoing, or responsibility on the part of Sprint.⁵ Lastly, due to company policy, Sprint refuses to update the settlement letter to include a statement that Mr. Jahangani is not responsible for the account because fraudulent activity occurred on the account.⁶

¹ Answer at 1.

² Answer at 1.

³ Answer at 2.

⁴ Answer at 2.

⁵ Answer at 3.

⁶ Answer at 3.

3. Discussion

An Evidentiary Hearing was held on October 28, 2014 at 10:00 a.m. at the Junipero Serra State Office Building in Los Angeles, California. According to the Commission's Docket, the Notice of Evidentiary Hearing was filed and served on both parties on October 2, 2014. A Sprint representative was not present at the hearing and thus was not available to contest the Complainant's assertions and/or defend those of Sprint. On October 30, 2014, Kathy McMahon, a representative of Sprint, told the assigned Administrative Law Judge that Sprint did not attend the Evidentiary Hearing because it did not get a notice of the hearing. Sprint is not contesting that service of the notice was properly given.

That Sprint attempted to waive Mr. Jahangani's outstanding balance and settle the matter is commendable; however, parties are expected to attend duly noticed and calendared proceedings of the Commission. By failing to attend the hearing in this matter, Sprint forfeited its ability to adequately and thoroughly present its findings and position. Mr. Jahangani's request for relief is granted. In addition Sprint will provide a year of free credit monitoring by a reputable credit monitoring service to the Complainant in order to ensure that additional fraud does not occur on his account. The case is closed.

Assignment of Proceeding

Michael Picker is the assigned Commissioner and W. Anthony Colbert is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

Waiver of Comment Period

Pursuant to Rule 14.7(b) of the Commission's Rules of Practice and Procedure, the 30-day public review and comment period required by Section 311 of the Public Utilities Code and the opportunity to file comments on the proposed decision is not applicable in Expedited Complaint Proceedings.

Accordingly, this matter was placed on the Commission's agenda directly for prompt action.

O R D E R

IT IS ORDERED that:

1. Defendant will credit \$717.67 to Reza Jahangani's telephone account.
2. Defendant will provide Reza Jahangani free credit monitoring of his account by a reputable credit monitoring service for one year from the effective date of this order.
3. All other requests for relief are denied.
4. Case 14-09-012 is closed.

This order is effective today.

Dated _____, at San Francisco, California.