

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Melissa Hicks,

Complainant,

vs.

Pacific Bell d/b/a AT&T California  
(U1001C),

Defendant.

(ECP)

Case 25-10-021

**DECISION GRANTING REQUESTED RELIEF**

**Summary**

The decision grants the requested relief.

This proceeding is closed.

**1. Factual and Procedural Background**

On October 31, 2025, Melissa Hicks (Ms. Hicks or Complainant) filed the instant complaint, asserting that Pacific Bell Telephone Company d/b/a/ AT&T California (AT&T or Defendant) had stated that removing a phone line from her account would result in her remaining phone line losing legacy status and receiving a new rate structure. Defendant answered the complaint on December 23, 2025. A remote hearing was held on January 14, 2026.

**2. Complainant's Contentions**

Ms. Hicks contends that AT&T originally told her that if she was to port her phone number ending in 6645 (6645 line), her other phone line ending in 6648

(6648 line) would automatically be cancelled.<sup>1</sup> Ms. Hicks contends that AT&T then reversed this position and stated that she could maintain her 6648 line after porting the 6645 line, but the 6648 line would lose legacy status and the rate would be transferred to a new rate structure with a higher cost. Ms. Hicks contends that AT&T stated that this was because she was cancelling a “bundled service.”

Ms. Hicks argues that she does not have a bundled service. She states that she has had three copper phone lines since 2000, with a line ending in 6643 (6643 line) on a flat rate service, and the 6645 line and 6648 line are on a measured rate service. She contends that after AT&T’s acquisition of Sprint, AT&T chose to combine the 6645 line and 6648 line into a common invoice under a new account. She asserts that the charges for her 6645 and 6648 lines are billed individually.

Ms. Hicks requests that once her 6645 line is ported from her account, the 6648 line should be allowed to retain its current legacy status and the same rate structure. Ms. Hicks also requests that AT&T refund the charges for the 6645 line since the filing of her complaint, as she had to establish a new mobile phone line while the complaint was under review.

At the hearing, Ms. Hicks stated that she could not port the 6648 line (instead of the 6645 line) for multiple reasons, including the current usages for each line. Ms. Hicks testified that she did not make the choice in terms of how the lines would be billed, as this was AT&T’s choice.

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<sup>1</sup> Complaint at 7.

### **3. Defendant's Contentions**

AT&T contends that Ms. Hicks was informed that AT&T had updated its residential service offerings, and that the customer notice and tariff stated that "Effective February 1, 2021, Individual Line Measured Rate Residence Service (Residence Measured Rate Service) is no longer available to new subscribers. Existing customers may keep the service but may not move or make changes to their service."<sup>2</sup>

AT&T contends that the complaint fails to state a claim upon which relief can be granted. AT&T asserts that its rates and charges are, and have been, in full compliance with applicable tariffs and therefore, "the relief Complainant requests is barred by the filed-rate doctrine, also known as the filed-tariff doctrine, and Cal. Pub. Util. Code §532."<sup>3</sup> AT&T requests that the complaint be dismissed with prejudice.

At the hearing, AT&T's representative stated that the 6645 line is currently the primary billing number on the account and the line that is being requested to be ported out. Following the porting of the 6645 line, the 6648 line would become the new primary billing number, which would constitute a change for billing purposes. The representative stated that porting out the 6648 line, instead, would not trigger a change for billing purposes and the 6645 line could remain under the legacy rate.

At the hearing, at the request of the Administrative Law Judge, AT&T's representative testified that he would see if there were any exceptions that could

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<sup>2</sup> Answer at 3.

<sup>3</sup> *Id.* at 4.

be made so that Complainant's 6648 line could maintain legacy status and the same rate structure, following the porting of the 6645 line. Following the hearing, AT&T's representative sent an update to the service list of this proceeding to state that AT&T is unable to maintain the 6648 line as a measured rate line once the 6645 line is ported and that the "limitation arises from technical constraints, which require the remaining measured rate line to convert to a flat rate if there is a change in service." The representative stated that once the 6645 line is ported, "6648 will become the primary number and will be billed at the flat rate." The representative stated that as a courtesy to Ms. Hicks' situation, AT&T has issued a one-time credit of \$33 to offset the difference between a year of flat rate and measured rate service (\$2.75 per month for 12 months).

#### **4. Discussion**

In a complaint proceeding, the Public Utilities Code requires that a complaint allege "any act or thing done or omitted to be done by any public utility ... in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission."<sup>4</sup> Pursuant to Public Utilities (Pub. Util.) Code Section 451, "[a]ll rules made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable."

This proceeding hinges on AT&T's customer notice and tariff for residential offerings, which provides: "Effective February 1, 2021, Individual Line Measured Rate Residence Service (Residence Measured Rate Service) is no longer available to new subscribers. Existing customers may keep the service but

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<sup>4</sup> Public Utilities Code Section 1702.

may not move or make changes to their service.”<sup>5</sup> AT&T contends that porting Ms. Hicks’ 6645 phone line constitutes a “change” to service because the 6645 line was designated as Ms. Hicks’ primary billing number. At the hearing, AT&T’s representative acknowledged that AT&T – not Ms. Hicks - designated the 6645 line as the primary billing number. The representative also acknowledged that if the 6648 line had instead been designated as the primary billing number, porting the 6645 line would not trigger a “change” of service for billing purposes.

The Commission finds that AT&T’s customer notice and tariff fails to provide reasonable notice to Ms. Hicks that removal of an unbundled phone line from her account would constitute a change of service. An average residential customer could not reasonably expect that the removal of an unbundled phone line from an account, while still maintaining an existing AT&T phone line, would constitute a “move” or “change” to their service. Moreover, the language AT&T relies upon is found buried in a footnote within AT&T’s tariff schedule.<sup>6</sup>

In addition, the Commission finds AT&T’s application of its tariff and notice language to Ms. Hicks’ account to be arbitrary. AT&T’s assertion that removing one of Ms. Hicks’ unbundled phone numbers would constitute a “change” to service, while removing the other phone number would not constitute a “change,” is arbitrary and unreasonable. Ms. Hicks did not designate which phone number would be the primary phone number on her

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<sup>5</sup> AT&T California Schedule CAL. PUC No. A5, Exchange Service at Note 2, <https://cpr.att.com/pdf/ca/a005.pdf>.

<sup>6</sup>See *id.*, Exchange Service at Note 2 at 117, <https://cpr.att.com/pdf/ca/a005.pdf>.

account and therefore, she should not be penalized for AT&T's unilateral billing designation of the primary number.

For these reasons, the Commission finds that AT&T's application of its tariff to the instant complaint is not just and reasonable under Pub. Util. Code §451. The Commission hereby grants Ms. Hicks' requested relief, as follows below:

As of the hearing date, Ms. Hicks had not ported her 6645 line, as she was awaiting the outcome of this proceeding. At the time Ms. Hicks opts to port her 6645 line, this decision directs AT&T to maintain the legacy status and the same rate structure for her existing 6648 line. We also direct AT&T to refund charges Ms. Hicks incurred for the 6645 line since the filing of her initial complaint, as Ms. Hicks had to maintain the 6645 line and procure a new mobile phone number while the complaint was being reviewed by the Commission. Ms. Hicks first filed an informal complaint with the Commission's Consumer Affairs Branch on July 31, 2025. As such, it is reasonable for AT&T to refund Ms. Hicks the amount paid for the 6645 line from July 31, 2025, to the effective date of this decision. AT&T shall refund this amount to Ms. Hicks within 30 days of the issuance of this decision.

## **5. Conclusion**

The Commission concludes that Complainant has met its burden of proof to demonstrate that Defendant violated Public Utilities Code Section 451 and the Commission therefore grants the requested relief. At the time Complainant decides to port her 6645 line, Defendant is directed to maintain the legacy status and the same rate structure for the existing 6648 line. Within 30 days of the

issuance of this decision, Defendant shall refund Complainant the amount paid for the 6645 line from July 31, 2025, to the issuance of this decision.

**Assignment of Proceeding**

Karen Douglas is the assigned Commissioner and Debbie Chiv is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

**Waiver of Comment Period**

Pursuant to Rule 14.7(b), 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 decision was placed on the Commission's agenda directly.

**O R D E R**

**IT IS ORDERED** that:

1. As Complainant has met its burden of proof to demonstrate that Defendant violated Public Utilities Code Section 451, the Commission grants the requested relief.
2. At the time Complainant opts to port her phone line ending in 6645, Defendant shall maintain the legacy status and same rate structure for Complainant's phone number ending in 6648.
3. Within 30 days of the issuance of this decision, Defendant shall refund Complainant the amount paid for the phone line ending in 6645 from July 31, 2025 to the issuance of this decision.

4. Case 25-10-021 is closed.

This order is effective today.

Dated May \_\_\_, 2026, at San Francisco, California.