

Agenda Date: March 13, 2002
Item Number: 2A

Docket: UT-011225
Company Name: Touch America, Inc.

Staff: Dennis Shutler, Compliance Specialist
Vicki Elliott, Assistant Director, Consumer Affairs

Recommendation:

Issue a Complaint against Touch America, Inc. Accept the proposed Settlement Agreement to resolve the Complaint.

Discussion:

The proposed Complaint and Settlement Agreement in this matter comes from a Staff investigation into the complaint response practices of Touch America, Inc. (Touch America or Company).

Staff began this investigation because of its experience with Touch America in the informal complaint process. Staff alleged that Touch America was not responding within the required two working days, as required by WAC 480-120-101(5), to Commission-referred complaints from customers of Touch America. In some cases, the Company did not respond for one or more months, despite repeated requests from Staff for a response.

Staff began its investigation on September 4, 2001. During the ensuing investigation, Staff reviewed 22 complaints filed with the Commission between January 22, 2001, and September 4, 2001, finding a total of 633 violations of WAC 480-120-101(5).

In October 2001, Staff notified Touch America of its findings and invited the Company to enter into discussions to resolve these issues. Staff and Touch America shared information and discussed a possible resolution. These discussions resulted in the proposed Settlement Agreement presented today.

Briefly, in the Agreement, Touch America has agreed to a total payment of \$18,022.13. Of this amount, \$15,825.00 represents 633 violations of WAC 480-120-101(5), and \$2,197.13 represents reimbursement to the Commission for the cost of the investigation. In addition, Touch America has agreed to implement changes to its process that result in immediate and continued compliance with all state laws and rules, including WAC 480-120-101(5).

Recommendation

Staff recommends the Commission issue a Complaint against Touch America, Inc., and accept the proposed Settlement Agreement to resolve the Complaint.