

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BG ENTERPRISES, INC.,

Respondent.

DOCKET NO. UT-020473

COMPLAINT

1 The Washington Utilities and Transportation Commission on its own motion, and through its Staff, alleges as follows:

I. PARTIES

2 The Commission is an agency of the State of Washington, authorized by Title 80 RCW to regulate the rates, practices, accounts, and services of telecommunications companies.

3 BG Enterprises, Inc. (BG Enterprises) is a telecommunications company registered to provide telecommunications services in the state of Washington subject to the provisions of Title 80 RCW and Chapter 480-120 WAC.

II. JURISDICTION

4 The Commission has jurisdiction over this matter pursuant to Chapter 34.05 RCW, RCW 80.01.040, RCW 80.04.110, RCW 80.36.130, and Chapter 480-09 WAC, WAC 480-120-081, and WAC 480-120-106.

III. STATEMENT OF FACTS

5 Commission Staff initiated an investigation into the business practices of BG Enterprises. As a result of the investigation, Commission Staff believes, and therefore alleges, as follows:

- 6 1) BG Enterprises failed to issue its customers monthly billing statements. The company only provided “reminder calls” to customers, approximately five days before the due date, to inform the customer of the amount due and the date due;
- 7 2) Because the reminder calls occurred approximately five days before the due date, BG Enterprises failed to allowed the customer fifteen days in which to pay the bill;
- 8 3) BG Enterprises failed to issue a written notice of an impending disconnection before terminating a customer’s telephone service;
- 9 4) BG Enterprises failed to issue a second notice, following the required written notice, of an impending disconnection before terminating a customer’s telephone service; and
- 10 5) BG Enterprises charged customers rates and charges not listed in its current price list on file at the Commission.

IV. FIRST CLAIM FOR RELIEF

- 11 The Commission, through its Staff, realleges paragraphs 2 through 10.
- 12 WAC 480-120-106(1) requires telecommunication companies to provide a customer with a regularly rendered bill clearly listing all charges.
- 13 BG Enterprises violated WAC 480-120-106(1) by failing to issue monthly billing statements.

V. SECOND CLAIM FOR RELIEF

- 14 The Commission, through its Staff, realleges paragraphs 2 through 10.
- 15 WAC 480-120-081(2)(a) requires telecommunication companies to allow a customer a minimum of fifteen days in which to pay a telephone bill.
- 16 BG Enterprises violated WAC 480-120-081(2)(a) by failing to issue monthly billing statements allowing the customer fifteen days in which to pay the bill.

VI. THIRD CLAIM FOR RELIEF

- 17 The Commission, through its Staff, realleges paragraphs 2 through 10.
- 18 WAC 480-120-081(5)(a) requires telecommunication companies to provide a written notice of disconnection before terminating a customer's telephone service.
- 19 BG Enterprises violated WAC 480-120-081(5)(a) by failing to issue a written notice of the impending disconnection before terminating customer's telephone services.

VII. FOURTH CLAIM FOR RELIEF

- 20 The Commission, through its Staff, realleges paragraphs 2 through 10.
- 21 WAC 480-120-081(5)(b) requires telecommunication companies to make a good faith, bona fide effort to reach the customer to advise the customer of the impending disconnection before disconnecting a customer's telephone service. This second notice is to occur after the required written notice.
- 22 BG Enterprises violated WAC 480-120-081(5)(b) by failing to provide a customer with a second notice of an impending disconnection before disconnecting a customer's telephone service.

VIII. FIFTH CLAIM FOR RELIEF

- 23 The Commission, through its Staff, realleges paragraphs 2 through 10.
- 24 RCW 80.36.130(1) restricts telecommunication companies from charging, demanding, collecting, or receiving different compensation for any service rendered or to be rendered other than the charge applicable to such service as specified in its schedule on file and in effect at the time.
- 25 BG Enterprises violated RCW 80.36.130(1) when the company charged customers rates and charges not listed in its current price list on file at the Commission.

IX. COMPLAINT

- 26 The Commission finds reasonable cause to determine that violations may have occurred and it therefore commences an adjudicative proceeding pursuant to Chapter 34.05 RCW and Chapter 480-09 WAC for the following purposes:

- 27 (1) To determine whether BG Enterprises has failed to comply with the applicable laws, rules, and orders of the Commission as set forth in the allegations above.
- 28 (2) To determine whether the Commission should assess monetary penalties against BG Enterprises based on alleged violations of Commission rules identified by Staff during its investigation of company practices.
- 29 (3) To make such other determinations and enter such orders as may be just and reasonable.

DATED at Olympia, Washington, and effective this 23rd day of October, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner