

Decision No. R03-0094

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

DOCKET NO. 02F-651T

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ADRIAN HLADKY,

COMPLAINANT,

V.

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.,

RESPONDENT.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
WILLIAM J. FRITZEL  
DISMISSING COMPLAINT**

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Mailed Date: January 27, 2003

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

1. On December 4, 2002, Adrian Hladky (Complainant) filed a complaint naming AT&T Communications of the Mountain States, Inc. (AT&T), as Respondent.
2. On December 17, 2002, the Commission issued an Order to Satisfy or Answer, and scheduled a hearing in this matter for February 3, 2003.
3. On December 27, 2002, AT&T filed a Motion to Dismiss the Complaint.
4. As grounds thereon, AT&T states that Complainant alleged that AT&T billed him for a long distance charge which was not made from his number and that Complainant is not an AT&T customer.

5. AT&T in its Motion to Dismiss states that AT&T agrees with Complainant that Complainant is not an AT&T customer and should not be billed for AT&T long distance calls. AT&T further states that the charge for a long distance call was due to a Qwest Corporation (Qwest) routing error which improperly caused Complainant's long distance calls to be routed over the AT&T network.

6. AT&T states that it has been in communication with Qwest and that in an attempt to satisfy the complaint, the charges have been reversed and that Complainant will not be rebilled the charge. AT&T states that Complainant owes nothing to AT&T and that his account has been cleared.

7. No response to the Motion to Dismiss was filed by Complainant.

8. It is found that the complaint has been satisfied and therefore the Motion to Dismiss will be granted.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Motion to Dismiss the Complaint filed by AT&T Communications of the Mountain States, Inc., is granted.

2. The complaint of Adrian Hladky v. AT&T Communications of the Mountain States, Inc., Docket No. 02F-651T is dismissed.

3. The hearing set for February 3, 2003 is vacated.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

WILLIAM J. FRITZEL

Administrative Law Judge