

DT12-069

# STATE OF NEW HAMPSHIRE

Inter-Department Communication

**DATE:** March 5, 2012

**AT (OFFICE):** NHPUC

**FROM:** Amanda O. Noonan *aw*

**SUBJECT:** Complaint of Stebbins Commercial Properties against FairPoint Communications

**TO:** Amy Ignatius  
Anne Ross  
Debra Howland

On September 7, 2011, the Consumer Affairs Division was contacted by Stebbins Commercial Properties (Stebbins) about a FairPoint billing issue. According to Stebbins, they had recently realized that, due to an internal bookkeeping error, they had been paying for a phone line which they stated they had never ordered. The phone line in question had been on their bill since 2002. Stebbins has four lines, three for incoming calls and one for faxes. Billing for these four lines is consolidated on one bill. The fifth line (603-622-0463), which Stebbins asserts it never ordered or used, was billed separately.

Following an internal bookkeeping review, Stebbins contacted FairPoint on August 29, 2011. A manager in FairPoint's Business Sales and Service Center offered Stebbins a six month good will adjustment for the monthly recurring charges. Stebbins declined the adjustment and contacted the Consumer Affairs Division. On September 27, 2011, Stebbins requested a hearing on its billing dispute with FairPoint.

Stebbins has been a customer of FairPoint and its predecessors since 1986. In 2002, Stebbins moved to the location where it is now. At that time, the four phone lines were moved without any changes being made to the service. FairPoint's records show that the fifth line was added on June 12, 2002. FairPoint has no access to the Verizon service orders, account notes or any other information from 2002 that would be helpful in determining who ordered the service for the fifth line, 603-622-0463. FairPoint also has no contract or other written document authorizing the line and has stated that the service was month to month.

The Consumer Affairs Division discussed this matter with FairPoint at length in November and in again February in an effort to resolve this without a hearing. FairPoint was receptive to reviewing the issue and indicated that it wanted to look into the matter further. In both instances, FairPoint declined to offer anything beyond a six month good will adjustment.

The lack of records, or access to those records, to prove or disprove whether Stebbins ordered the service makes it difficult to support FairPoint's decision to offer a six month good will adjustment. During telephone conversations, Stebbins has indicated that it would be agreeable to a two year adjustment, consistent with RSA 365:29. Staff recommends the Commission grant Stebbins' request for a hearing and that such hearing be conducted by a Hearings Examiner.