

Decision 97-04-062 April 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Steven R. Reckon,

Complainant,

vs.

Nationwide Cellular Service,

Defendant.

(ECP)
Case 96-12-022
(Filed December 11, 1996)

ORIGINAL

Steven R. Reckon, for himself, complainant.
Elaine Bleecker, for Nationwide Cellular Service, defendant.

O P I N I O N

Complainant seeks to have his closing bill with defendant reduced from \$385.55 to \$102.50. Defendant claims the closing bill is correct. A public hearing was held January 17, 1997.

The facts are not in dispute. Complainant joined defendant in 1990 and was satisfied with the service until January 1996, when he got into a dispute with defendant. On January 12, 1996 he telephoned defendant and canceled his service. Defendant's representative told him that the cancellation had to be in writing. Complainant did not cancel in writing so defendant continued to bill him as an active customer until February 25, 1996, when it disconnected him for nonpayment of his bill. Defendant claims complainant owes \$385.55.

Complainant sought relief informally with the Commission staff and deposited \$385.55 with the Commission. Defendant was aware of the informal resolution attempt and deposit. During this period defendant began dunning complainant. To our knowledge defendant has continued to attempt collection despite the knowledge that the deposit was made and no collection efforts should be attempted until this complaint

is disposed of. Defendant has also blocked the electronic serial numbers on complainant's three cell phones rendering them useless. Although agreeing to release the serial numbers, defendant has not done so.

We believe complainant should pay \$102.50 as his closing bill. Defendant is admonished to refrain from sending collection letters after an amount sufficient to cover the bill in question has been deposited with the Commission. Defendant should, as it agreed to do, release the electronic serial numbers on complainant's cell phones.

O R D E R

IT IS ORDERED that:

1. Complainant shall pay to defendant \$102.50 as a closing bill.
2. Defendant shall release the electronic serial numbers on complainant's cell phones.
3. The money on deposit with the Commission should be disbursed as follows:
 - a. \$102.50 to defendant.
 - b. The balance to complainant.
4. Case 96-12-022 is closed.

This order is effective today.

Dated April 23, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners