

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF DOUGLAS PALS	DOCKET NO. FCU-2013-0009
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ORDER REGARDING EX PARTE COMMUNICATION

(Issued April 12, 2016)

On April 12, 2016, the undersigned administrative law judge received the attached e-mail from Mr. Douglas Pals, one of the parties to this case. Mr. Pals is unrepresented by legal counsel. Mr. Pals states he is sending the e-mail to pass along an example that shows rural call completion problems persist. Mr. Pals included Mr. Craig Graziano, attorney for the Consumer Advocate Division of the Department of Justice (Consumer Advocate), as a recipient of the e-mail, but did not include any of the other parties as recipients.

Iowa Code § 17A.17(2) (2015) states that parties in a contested case shall not communicate with the presiding officer in the case about any issue of fact or law in the contested case, except with notice and the opportunity for all other parties to participate. This means that Mr. Pals may not communicate with the undersigned administrative law judge about his case or the rural call completion issues involved in this case without including all of the other parties in the communication.

Iowa Code § 17A.17(4) requires the undersigned to place the e-mail from Mr. Pals in the record of this case. Therefore, this order is being issued with the e-mail

attached. The same section states that any party who wishes to rebut the prohibited ex parte communication must be allowed to do so, upon requesting the opportunity for rebuttal within ten days after notice of the communication.

Therefore, the other parties in this case will be given the opportunity to respond to Mr. Pals' e-mail if they request the opportunity.

IT IS THEREFORE ORDERED:

1. If any party wishes to have the opportunity to respond to Mr. Pals' e-mail message dated April 12, 2016, the party must file notice with the Utilities Board on or before April 25, 2016. In the notice, the party must either include its response to the e-mail or state how much time it will need to file its response.

2. All parties, including Mr. Pals, may not communicate with the undersigned administrative law judge about any issue of fact or law involved in this case, without copying all other parties to the communication or giving the other parties the opportunity to participate.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

Dated at Des Moines, Iowa, this 12th day of April 2016.

Christensen, Amy [IUB]

From: Douglas Pals <doug@areyouresourceful.com>
Sent: Tuesday, April 12, 2016 9:25 AM
To: Christensen, Amy [IUB]; Graziano, Craig [OCA]
Cc: Janell Hansen; Duncan Dave
Subject: Rural Call Completion - a follow up

Good morning, Judge Christensen and Mr. Graziano,

I wanted to email you to pass along an example that shows rural call completion problems persist. In this case, because the company (Marne and Elk Horn) was notified of the problem, they could identify it, and now that some light has been cast on the problem, and they had persistence, they found a path to fix the issue in this case.

The problem as it stands now, as you likely know, is each issue needs to be reported, identified and followed up on in a manner similar to the path followed in the email below. That path is not a reasonable one to follow to get this problem fixed.

So, I'd like to encourage you to take appropriate next steps to make originating carriers track, identify and fix this problem from their end. And, if they are found to have a problem similar to the one outlined below, there should be appropriate financial penalties for them - to encourage them to do better.

In my opinion and based on my experience, the cause of these types of issues stem from one or more of the following three topics: lack of caring, laziness or expense control. In a regulated service industry when a consumer has few or no choice about providers, standards and penalties are our only options to demand the services which are deserved by customers.

I appreciate your willingness to take on this issue. Please let me know how I can be of further help.

DP

Douglas Pals
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On Apr 11, 2016, at 4:14 PM, Janell Hansen <janell@metc.net> wrote:

Here's a summary of the LD problem and how it was fixed (supposedly). To begin at the end, Level 3 tech called at 3:30 today to say they have made a routing change and problem should be resolved.

- 4/7/16 12:17pm METC customer reports a customer in Minnesota cannot call them. Gets many rings, then dead air, sometimes gets answers. St. Paul customer has POPP Networks (a reseller of Centurylink, using Level3 as an underlying carrier.) METC customer mad and doesn't want to hear it isn't our problem.
- 4/7 I called Mary Retka at Centurylink who confirmed customer ported to POPP in 2008, local and LD, thus she can't help.
- 4/7; James talked with POPP, who told him a trouble ticket would be submitted.
- 4/8; Jill calls POPP to check on status, POPP to call back

- 4/8; Jill calls back at 11:45 and is told they have an underlying carrier problem (Level 3). Also learned POPP had tried us but "it just rang and rang and we didn't answer". Really... He thought problem fixed, but obviously he couldn't get us, so no.
- 4/8 4:15 Jill works with INS/Aureon who conferences POPP and says they'll work on it.
- Jill makes test calls, has MN customer make calls, ETC. ETC., ETC.
- 4/11; Marc Timm at Aureon calls and says he's willing to do a conference call with POPP.
- 4/11; Dillon at Level 3 calls me (I've gotten a Level3 contact from Chuck at Breda and e-mailed him). He sees there has been a routing problem, but there is still a 8-9 second delay and submits a trouble ticket.
- 4/11; 3:23pm Dillon calls me back and says he has made a routing change and test calls are going thru fine.
- 4/11; 3:30 I called METC customer to report and ask him to have his MN customer call him to be sure it's working.

The moral of the story: Rural Call Terminating problems are NOT going away. They are not our fault, but still our problem. The calls do not hit our switch, normally, or take too long to do so. Calling parties get a "false ring-back" giving them the impression that our customer is just not answering the phone. This makes our customers mad. I have expressed my concern to INS that I am tired of their techs telling me that it's not their problem and they can't fix it. Their techs need to make calls to originating customer's carrier to work thru the problem.

Thanks,
Janell