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BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS**

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AZ CORP COMMISSION  
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Arizona Corporation Commission

**DOCKETED**

JUL 28 2010

DOCKETED BY

TONY GRANILLO

Complainant

v.

COX ARIZONA TELECOM, L.L.C.

Respondent

Docket No. T-03471A-10-0274

**COX ARIZONA TELCOM, L.L.C.  
ANSWER TO FORMAL  
COMPLAINT**

and

**MOTION TO DISMISS**

Cox Arizona Telcom, L.L.C. ("Cox"), through undersigned counsel, answers the complaint filed by Mr. Tony Granillo ("Complainant") on July 6, 2010. Cox also respectfully requests that the Arizona Corporation Commission ("Commission") dismiss Mr. Granillo's Complaint for the reasons explained below:

**ANSWER**

1. Cox denies the allegations of the Complainant. In response, Cox alleges that it:
  - a. made every reasonable effort to supply a satisfactory level of service to Complainant and has been providing a satisfactory level of service to Complainant,
  - b. Cox has been and is in full compliance with its tariff and the rules and regulations of the Commission
2. Complainant's claims in this formal complaint to the Commission should be dismissed. The following history and chronology set forth Cox's efforts to cooperatively address and resolve Complainant's unfounded claims against Cox.

**HISTORY**

1  
2 3. The circumstances underlying this complaint originated on September 8, 2009  
3 when the Complainant discovered no dial tone on one of his two Cox telephone lines.  
4 Complainant contacted Cox's customer service department at 6:39 p.m. on September 8, 2009.  
5 After Cox's attempts to remotely trouble shoot the problem failed to resolve the issue, the  
6 Complainant was offered the first available on-site appointment window for September 10, 2009  
7 between 8:00 a.m. - 10:00 a.m.

8 4. During this initial communication, Complainant requested to speak with a Cox  
9 supervisor and was transferred accordingly. Complainant insisted that Cox dispatch a technician  
10 first thing the next morning, September 9, 2009. Complainant expressed concern over not being  
11 able to dial out in the event of an emergency. After some discussion with the Complainant, Cox's  
12 supervisor confirmed that Complainant had at least one other Cox working telephone line in the  
13 home. Supervisor asked Complainant if he wished to declare a medical emergency, which would  
14 have resulted in a higher priority for dispatch of a repair technician in compliance with Cox's  
15 tariff. Complainant stated that there was no medical emergency.

16 5. Cox's dispatch department was notified of the Complainant's request for an earlier  
17 appointment. Complainant was informed that Cox would make every attempt to get a technician  
18 there sooner than September 10, 2009, but no guarantees were made to Complainant. Cox was able  
19 to move up the appointment to September 9, 2009 between 3:00 p.m. - 5:00 p.m. Complainant  
20 was advised of the sooner appointment but was still displeased since no Cox technicians were  
21 available for his requested time block of 8:00 a.m. - 10:00 a.m. on September 9, 2009. A  
22 technician arrived as Cox advised and dial tone was fully restored for Complainant's second line  
23 on September 9, 2009 at 5:35 p.m, less than 24 hours after the initial call from Complainant.  
24 Complainant's other line remained fully operational during the limited time that the second line  
25 was out of service.

26 6. Cox received a letter dated September 9, 2009 from Complainant to Mr. Steve  
27 Rizley, Cox's Senior VP and General Manager for Arizona, expressing his displeasure with Cox's

1 customer service. In Complainant's correspondence, he requested a personal letter from Mr. Rizley  
2 addressing his question regarding Cox's customer service and what Complainant perceives as gaps  
3 in Cox's ability to provide customer satisfaction.

4 7. This letter was received by Cox's Executive Resolution department on September  
5 15, 2009. A member of the Cox Executive Resolution department made numerous attempts to  
6 contact Complainant and finally spoke to Complainant on October 6, 2009. Complainant was  
7 dissatisfied with the Cox Executive Resolutions' attempt at addressing his concerns and refused to  
8 accept their apologies on behalf of Mr. Rizley. Complainant also refused Cox's offer of monetary  
9 service credits for the outage in accordance with Cox's tariff. Complainant demanded a personal  
10 written response from Mr. Rizley. Cox's representative informed Complainant that Cox would  
11 look into the matter but could make no guarantees since Mr. Rizley does not have the opportunity  
12 to respond back to each and every piece of correspondence received. A member of the Cox  
13 Executive Resolution team indicated to Complainant that Cox would look into having a letter  
14 prepared and signed by Mr. Rizley.

15 8. Complainant wrote another letter dated October 30, 2009 after not yet receiving the  
16 requested letter from Mr. Rizley. This letter was received by Cox's Executive Resolution  
17 department on November 4, 2009. On November 9, 2009, a member of the Cox Executive  
18 Resolution team again made contact with Complainant and offered a signed letter by Mr. Rizley.  
19 Complainant refused to accept the signed letter and demanded a personal phone call from Mr.  
20 Rizley.

21 9. On February 19, 2010, Complainant filed an informal complaint against Cox with  
22 the Commission. Cox provided the Commission with a written response to the informal complaint  
23 on February 24, 2010. A copy of the response is attached as Exhibit A. Cox also sent a letter from  
24 Cox's Executive Resolution Department to Complainant on February 24, 2010. The letter  
25 reiterated that there were no further service issues with Complainant's telephone service, and that  
26 Cox had made reasonable efforts to resolve Complainant's concerns.

27



1 timely manner. Cox restored dial tone less than twenty-four hours later on September 9, 2009 at  
2 5:35 p.m. Cox offered Complainant service credits for his inconvenience but such offer was  
3 refused. Cox's efforts were reasonable and therefore met the provision of rule R14-2-507(c) and  
4 the provisions of Cox's tariff. Therefore, Cox's efforts in this case should be ruled as reasonable  
5 and sufficient in providing satisfactory and continuous service. Complainant has not alleged any  
6 current or ongoing problems with Cox's telephone service to Complainant. As such, this  
7 complaint should be dismissed with prejudice.

8 15. The Commission does not have authority to provide the relief that Complainant  
9 now appears to seek through his complaint. Complainant has unreasonably continued to escalate  
10 demands to resolve this complaint and is now demanding a one hour lunch with Cox Arizona's  
11 General Manager, Steve Rizley.

12 16. Moreover, although he had previously refused service credits offered by Cox,  
13 Complainant is now seeking such service credits for the time he believes this complaint has  
14 remained unresolved. Service credit to compensate for the brief outage of his second line was  
15 offered to Complainant on October 6, 2009, but Complainant refused any service credits at that  
16 time. In fact, Complainant states in his own formal complaint filing in the contact log attached  
17 from October 6, 2009, "Said I was not interested in credits..." His new demand for service credit  
18 of one month of total Cox service (both phone and other non-telephony services) for each month  
19 since "September 9, 2010 (sic)" until this matter is resolved is not supported by Commission  
20 regulation or Cox's tariff. The service issue was resolved when Cox made its repairs to reestablish  
21 Complainant's service within twenty-four hours of receiving notice of the outage. Complainant  
22 has not had any issues reported to Cox regarding this initial telephone service outage. In summary  
23 the Complainant's particular requests for relief should be denied and the complaint dismissed with  
24 prejudice.

25 1. WHEREFORE, having fully answered Tony Granillo's Complaint, Cox requests  
26 that the Commission issue a Decision dismissing the Complaint with prejudice.

27

**ROSHKA DEWULF & PATTEN, PLC**  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 RESPECTFULLY SUBMITTED July 28, 2010.

2  
3 **COX ARIZONA TELCOM, L.L.C.**

4  
5 By   
6 Michael W. Patten  
7 ROSKA DEWULF & PATTEN, PLC  
8 One Arizona Center  
9 400 East Van Buren Street, Suite 800  
10 Phoenix, Arizona 85004  
11 (602) 256-6100

9 **ORIGINAL** and **13 COPIES** of the  
10 foregoing filed this 28<sup>th</sup> day of July 2010,  
11 with:

11 Docket Control  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007

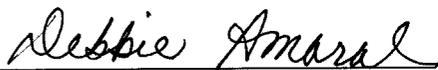
14 **COPIES** of the foregoing hand-delivered/mailed  
15 this 28<sup>th</sup> day of July 2010 to:

16 Mr. Tony Granillo  
17 9017 N. 14th St.  
18 Phoenix, AZ 85020

18 Yvette Kinsey, Esq.  
19 Administrative Law Judge  
20 Arizona Corporation Commission  
21 1200 West Washington  
22 Phoenix, Arizona 85007

21 Maureen Scott, Esq.  
22 Legal Division  
23 Arizona Corporation Commission  
24 1200 West Washington  
25 Phoenix, Arizona 85007

24 Steve Olea  
25 Director, Utilities Division  
26 Arizona Corporation Commission  
27 1200 West Washington  
Phoenix, Arizona 85007

27 By 

# EXHIBIT

"A"

**From:** Bogen, Julia (CCI-Phoenix)  
**Sent:** Wednesday, February 24, 2010 1:37 PM  
**To:** Jenny Gomez  
**Cc:** DiNunzio, Mark (CCI-Phoenix); Smith, Christopher (CCI-Phoenix)  
**Subject:** FW: ACC Complaints: Granillo, Tony - Complaint No. 85164

Hi Jenny. This complaint originated on 9/08/2009 when the customer discovered they'd lost dial tone on (602) 354-8698. The customer refers to this number as their primary line in their complaint but their primary line of (602) 262-7126 was installed on 12/16/2006. (602) 354-8698 was installed on 8/15/2009 and is billed as a secondary line.

After trouble shooting failed to fix the problem on (602) 354-8698 the customer was offered the first available appointment. It was scheduled for 9/10/2009 8am-10am. The customer requested to speak with a supervisor.

A supervisor took the call and the customer insisted that a technician be sent out first thing the next morning. The customer expressed concern over not being able to dial out in the event of an emergency but after some discussion the supervisor confirmed that the customer had at least one other working phone in the home. The supervisor then asked if the customer wished to declare a medical emergency. The customer stated there was no medical emergency.

Dispatch was notified that the customer requested a sooner appointment. The supervisor explained to the customer that dispatch would make every attempt to get a technician there sooner but could not make any guarantees. Fortunately, dispatch was able to move up the appointment to the following afternoon (9/09/2009 3pm-5pm). This still displeased the customer but there were no technicians available for the customer's desired time slot (9/09/2009 8am-10am).

Notwithstanding some minor difficulties on the part of the technician dial tone was fully restored as scheduled on 9/09/2009. Following the appointment that same day, the customer wrote a letter to our General Manager, Mr. Steve Rizley insisting that Mr. Rizley personally contact Mr. Granillo to discuss the incident.

The matter was escalated to the attention of our Executive Resolutions department. Mr. Granillo was dissatisfied with their attempts to address his concerns and refused to accept a written response from their offices. Further, he refused to accept resolution in the form of a letter written by the Executive Resolutions department and signed by Mr. Rizley. He has chosen instead to hold out for personal contact.

We're pleased the Granillos have chosen Cox as their telephone provider, yet with all due respect, Cox does not feel that the nature of this particular incident warrants a personal phone call from the highest ranking member of our AZ organization. We regret to inform the commission that Cox has tried without success to appease Mr. Granillo. In the absence of any other outstanding service issues, Cox considers this matter closed without further action.

COX

-----  
Julia Bogen, Sr. Government Relations Specialist tel 623.328.3261 fax 623.322.7500 cel 602.694.1891  
1550 W. Deer Valley Rd. Phoenix, AZ 85027