

FILE

Ohio

# Public Utilities Commission

11-446-TP-CSS  
SREY1018100A

10

Case Number

Public Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215

## Formal Complain Form

Pinnacle Associates, Inc.  
Customer Name

1635 West First Avenue, Suite 140  
Customer Address

Against

Columbus, Ohio 43212

City State Zip

471214

Account Number

(same)

Customer Service Address (if different from above)

Pioneer Telephone  
Utility Company Name

Lewiston, ME 04243  
City State Zip

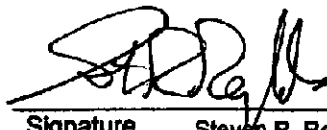
Please describe your complaint. (Attach additional sheets if necessary)

(Please see attached pages.)

PUCO

2011 JAN 26 PM 12:26

RECEIVED-DOCKETING DIV



Signature Steven R. Reynolds, President

614.486.8911 (ofc.) 614.679.2723 (cel.)

Customer Telephone Number

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Technician SUB Date Processed 1/27/11

**Formal Complaint with  
the Public Utilities Commission of Ohio**

**Case Number: SREY101810OA  
Pinnacle Associates, Inc. (Customer)  
Pioneer Telephone (Utility Company)  
January 25, 2011**

In mid September 2010, our firm received a Notice of Disconnection from Pioneer Telephone indicating an outstanding balance on our account. Admittedly, we had previously missed a payment, but had recently submitted a \$42.00 payment, which is the amount that we believed was due. The Notice of Disconnection stated that we should disregard it if payment had already been made. Since the billing statement that we received at roughly the same time did not yet reflect that \$42.00, we simply assumed that our account would be current once Pioneer processed the payment.

On or about September 30, 2010, we discovered that our long-distance service had been suspended. This came by way of a recorded message that played on the telephone line whenever a long-distance call was attempted. At that time, we contacted Pioneer Telephone via their toll-free number in an effort to obtain information regarding the disconnection.

The customer service representative (Andrea?) explained that our payment was erroneously made for \$2.22 less than it should have been. As a result, the company had added a \$5.00 late fee and subsequently suspended our long-distance service. The company also demanded an additional \$15.00 to reinstate service.

We attempted to reason with the representative that such an action seemed unusually harsh and punitive, especially given the minuscule amount of the payment discrepancy. (This essentially equated to a penalty of nearly 1,000%.) We had made a good faith effort to pay what was owed and had reason to believe that we were current on our account. Unfortunately, the representative was not able or willing to do anything other than repeat the information which she had already provided.

At that point, we requested to speak with a supervisor. The representative stated that no one was available at that time, but that we could leave a voicemail message with a supervisor. The voicemail that we were transferred to sounded as though it was for a gentleman named Michael Tibbits (sp?), although the person spoke rather quickly, did not spell his name, and did not state a direct callback number or extension.

In a continuation of our good-faith effort to bring resolution to the situation, we submitted an additional payment of \$52.02. We did not receive a call back from the supervisor.

Our long-distance service remained out of service for an additional week or two, during which time we received a billing statement dated October 8, 2010. It reflected the \$42.00 payment, but not the \$52.02 payment. **Zero** long-distance calls had been made during the billing cycle, yet the company demanded full payment for their "recurring charges", as well as for the corresponding "taxes and fees".

Given that we were still without long-distance service and had received neither a return call nor correspondence related to the matter, we filed an informal complaint with the PUCO. Presumably the informal complaint is part of the PUCO's records regarding this case; therefore, the specifics of it are not restated herein.

Our long-distance service remained out for an additional period of weeks while still not receiving any verbal or written acknowledgement from the company as to what their intentions were. As a result, we followed up with a call to the PUCO to check on the status of our informal complaint. The Customer Service Investigator, Mr. Daniel Harrington, indicated that the Commission had contacted the company any was told it would waive one of the late fees, but not the re-connection charge of \$15.00. He was also uncertain as to whether the company was entitled to charge for "recurring charges" during a period of time when no service was in fact being provided.

Subsequent to our call to the PUCO, we tried to once again resolve the matter with Pioneer via a telephone call to the company. It was our hope to gain an understanding of why we were being charged for services that had not been provided, to obtain an accurate billing statement, and to find out why we were still without long-distance service. By our records, this call would have been approximately November 16, 2010. We spoke with a customer service representative named Diane. We informed her that we were still without service, which apparently was contrary to what the company's system showed. Diane indicated that she would have a technician check into why our long-distance service was still block. She genuinely seemed to understand the situation and stated that either she or her supervisor would call us back the following day.

We did not receive a call back from her within a day or so; therefore, we again called Pioneer and asked to speak to Diane. We were told that she was assisting another customer and that "Diane will call you right back". We did not receive her call that day or the next.

On or about November 22, 2010, we again tried to reach Diane or her supervisor by phone. We were told that neither was available, and that we should leave a voicemail message. We were transferred to "extension 275" where we left yet another message to call. Not so surprisingly, no one called us back.

On or about December 1, 2010, at approximately 9:00 a.m. we again called the company, since we continued to receive bills and disconnection notices, but remained without service. A customer

service representative named Joe transferred us to the voicemail for his supervisor, Mr. Tibbits. We left a message briefly explaining the situation and requesting a return phone call. At roughly 4:00 p.m. that same day, we called back because we had not yet heard from the supervisor or anyone else. We were told that Mr. Tibbits had our message and would call us back the following day. We did not receive a call back from the company.

On or about December 10, 2010, we sent the company a certified letter summarizing our concerns and once again asking for an opportunity to discuss the matter. Our letter (See attachment.) included our main telephone number, as well as the cell phone number for our company's President, Steven R. Reynolds. Yet again, we received no response.

The Commission's formal complaint procedure states that a complaint should show that the public utility committed at least one of six infractions. It is our contention that Pioneer Telephone has committed at least three, if not more, of these acts.

First and foremost, Pioneer Telephone has provided inadequate service and has seemingly been very slow to credit recent payments. *{The public utility has provided inadequate service.}* Not only has its customer service been woefully inadequate, but it has also failed to provide our company with long-distance service even during periods when it claims to have done so. As evidence of this, please note that our recent bills from the company show *zero* call volume.

This leads into the second charge, that of our company being unable to obtain service from Pioneer. *{That service from the public utility cannot be obtained.}* We initially made attempts to pay the charges that were legitimately owed and made extensive efforts to reach out to their company to resolve any outstanding issues. Time and again, our efforts to obtain an accurate bill were ignored. Even after pointing out to Pioneer that our service was still blocked (despite what their system showed), no one got back to us to indicate whether or not the problem had been resolved. Furthermore, their billing statements continued to assert that money was owed to them for long-distance service (i.e., for services that were not being provided).

Additionally, it seems quite clear that the charges, service, and practices of Pioneer have been unjust and unreasonable. This meets the criteria of a third type of infraction. *{That a rule, tariff, charge, or service, or practice affecting service of a public utility is unjust and unreasonable.}*

Our company has consistently acted in good faith to resolve this matter. We repeatedly brought these issues to Pioneer's attention via telephone calls, the Commission's informal complaint procedure, and certified mail. A reasonable person would likely conclude that Pioneer was knowingly demanding money for services that clearly not being provided. We will leave it to the discretion of the Commission as to whether or not such actions approach the definitions of fraud, deception, and/or misrepresentation. *{Violated the law.}* Similarly, as we are not well verse in

telecommunications law, we will also defer to the Commission's judgment as to whether Pioneer has adhered to the PUCO's rules and regulations. *{Failed to follow its rules and regulations on file with the Commission.}*

Please also note that subsequent to our request for the form necessary for filing a formal complaint, we received yet another letter demanding payment. (See attachment.) This most-recent correspondence also threatened punitive action if we failed to submit payment for multiple months during which time we received **zero** service from Pioneer. In response to such threats from the company, we sent Pioneer an additional certified letter (See attachment.) placing them on notice that we were in the process of filing a formal complaint. A copy of this letter was also sent to Mr. Harrington.

Our company almost feels the need to apologize to the Commission for clogging the complaint process with an issue that resulted from what was initially such a paltry amount; however, we have time and again received absolutely **zero** response from Pioneer throughout our effort to resolve the matter. Furthermore, the utility's most-recent correspondence lead us to fear that we could be subject to malicious and/or vindictive actions by Pioneer including, but not limited to, providing unfavorable and inaccurate information to credit-reporting agencies.

Based upon the information provided above, we respectfully request that the Commission find in favor of our company. Please feel free to contact me if you require any additional documentation.

*{remainder of page intentionally left blank}*



**PINNACLE ASSOCIATES, INC.**  
Real Estate Valuation & Consulting

*Via Certified Mail — Return Receipt Requested*

December 10, 2010

Pioneer Telephone  
P.O. Box 11018  
Lewiston, ME 04243-9469

Re: Account # 471214

To whom it may concern:

Our company has been trying to resolve a billing issue with Pioneer for over two months. Since my initial call to your Customer Service Department, I have been told no fewer than five times that someone would get back with me, yet I have not received even one callback or message. I have even left my cell phone number in an effort to expedite the process.

One of your Customer Service Representatives did state that our account record shows someone attempted to call me but got a busy signal. This seems a bit suspect given the fact that our land lines and my cell phone have voicemail accounts, and no one else has reported to us any similar difficulties. The representative was unable to tell me what telephone number(s) they attempted to call; however, it seems reasonable to expect a telephone-service provider to have access to our correct telephone numbers.

We have not had service from Pioneer since September. I do not believe that it is appropriate to be billed for services which were not provided and respectfully request that such charges be removed from our billing statements. Please have one of your Supervisors please call me at 614.679.2723 so that we may resolve this issue in an equitable and expeditious manner.

Sincerely,

PINNACLE ASSOCIATES, INC.

Steven R. Reynolds  
President

cc: Dan Harrington — Public Utilities Commission of Ohio



**PINNACLE ASSOCIATES, INC.**  
Real Estate Valuation & Consulting

***Via Certified Mail — Return Receipt Requested***

January 18, 2011

Pioneer Telephone  
P.O. Box 11018  
Lewiston, ME 04243-9469

**Re: Account # 471214**

To whom it may concern:

We are in receipt of your letter dated January 11, 2011, which threatens punitive action if we do not acquiesce to your demands. It is unfortunate that your company has ignored our repeated attempts to find an equitable solution in this matter.

Your continued efforts to extort funds for services which *have not* been rendered has left us no alternative but to proceed with a formal complaint with the Public Utilities Commission of Ohio. We are also conferring with our corporate counsel regarding the potential for pursuing civil and/or criminal fraud claims against Pioneer and its representatives. Furthermore, the reporting of our account as delinquent to any third parties, including but not limited to credit-reporting agencies, will be viewed as being intentionally malicious and will be dealt with accordingly.

Sincerely,

PINNACLE ASSOCIATES, INC.

Steven R. Reynolds  
President

cc: Dan Harrington — Public Utilities Commission of Ohio  
R. Terry Watson, Esq.

## ***Last Notice Before Collections***

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January 11, 2011

**PINNACLE ASSOCIATES INC  
1635 WEST FIRST AVE  
SUITE 140  
COLUMBUS, OH 43212**

**Account#: 471214**

**Dear PINNACLE ASSOCIATES INC:**

Our records indicate your account is greater than 90 days past due. The current balance on your account is **\$ 172.74** and you must remit payment immediately to avoid your account being terminated. If your payment is not received by **January 26, 2011** your account will be forwarded to our collection agency where additional fees will be charged as stated in our Terms and Conditions located on the back of this letter. Should this occur, we estimate your account balance will increase to **\$ 480.24** as follows:

Current Balance:	<b>\$ 172.74</b>
Loss of prompt payment discount:	<b>\$ 131.07</b>
Disconnection Fee:	<b>\$ 30.38</b>
Administrative Fee:	<b>\$ 50.00</b>
Collection Agency Fee:	<b>\$ 96.05</b>
Collections Total:	<b>\$ 480.24</b>

Please take the time today to remit your payment in the amount of **\$ 172.74** to **Pioneer Telephone, PO Box 11018, Lewiston, ME 04243-9469**. You can also make payment on-line with your VISA, MasterCard, American Express, Discover or directly from your checking account at <http://www.mybillonline.com> or give Customer Service a call at 1-800-808-9000 to assist you with your payment. All payments made online are accepted in a secure encrypted format.

Pioneer Telephone would rather avoid collections and possible legal action, so please give this matter your prompt attention. As a reminder, Pioneer Telephone reports to all major credit bureaus.

Sincerely,  
Collection Agent  
Pioneer Telephone



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## Track & Confirm

### Search Results

Label/Receipt Number: **7009 2820 0000 8450 6504**Expected Delivery Date: **December 13, 2010**Class: **First-Class Mail®**Service(s): **Certified Mail™**  
**Return Receipt**Status: **Delivered**Your item was delivered at 8:08 am on December 13, 2010 in  
LEWISTON, ME 04240.

#### Detailed Results:

- Delivered, December 13, 2010, 8:08 am, LEWISTON, ME 04240
- Notice Left, December 13, 2010, 7:36 am, LEWISTON, ME 04243
- Arrival at Unit, December 13, 2010, 7:36 am, LEWISTON, ME 04240
- Acceptance, December 10, 2010, 1:32 pm, COLUMBUS, OH 43212

#### Notification Options

##### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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### Track & Confirm

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## Track & Confirm

### Search Results

Label/Receipt Number: **7010 2780 0000 3374 4710**Expected Delivery Date: **January 22, 2011**Class: **First-Class Mail®**Service(s): **Certified Mail™****Return Receipt**Status: **Notice Left (No Authorized Recipient Available)**

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

We attempted to deliver your item at 7:38 am on January 24, 2011 in LEWISTON, ME 04243 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting [www.usps.com/redelivery](http://www.usps.com/redelivery) or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed after 15 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

### Detailed Results:

- **Notice Left (No Authorized Recipient Available), January 24, 2011, 7:38 am, LEWISTON, ME 04243**
- **Arrival at Unit, January 22, 2011, 7:08 am, LEWISTON, ME 04240**
- **Acceptance, January 19, 2011, 2:57 pm, COLUMBUS, OH 43212**

### Notification Options

#### Track & Confirm by email

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