

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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<b>W. Mauldin Smith</b>	)	
	)	
v.	)	<b>Docket 08-0474</b>
	)	
<b>Illinois Bell Telephone Company</b>	)	
	)	
<b>Complaint as to whether the disconnection of a business number that existed more than 30 years was justified under Illinois law and the facts of this case in Chicago, Illinois</b>	)	

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**REPLY BRIEF OF ILLINOIS BELL TELEPHONE COMPANY**

W. Mauldin Smith (“Mr. Smith” or “Complainant”) filed a formal complaint (the “Complaint”) against Illinois Bell Telephone Company (“AT&T Illinois”) on August 8, 2008, asserting that AT&T Illinois improperly disconnected his business line after he failed to pay past-due amounts owed on his business account. Following an evidentiary hearing, the parties submitted opening briefs on January 9, 2009. AT&T Illinois submits this reply brief to respond to the arguments made in Complainant’s opening brief.

**ARGUMENT**

**I. AT&T Illinois Properly Refrained from Sending Complainant a Disconnection Notice While His Chapter 13 Bankruptcy Case Was Pending.**

In his opening brief, Mr. Smith asserts that “customary billing procedure was not followed by AT&T Illinois by letting the account go for nine months.” Smith Opening Br. at 3. What Mr. Smith appears to mean is that AT&T Illinois violated Illinois law by not sending Mr. Smith a disconnection notice during the nine months in which he failed to pay for his business line. The record shows, however, that during the nine-month period to which Mr. Smith refers, AT&T Illinois treated Mr. Smith’s business account just as it treats the account of any of its

Upon reaching this impasse, AT&T Illinois determined that Mr. Smith's informal complaint could not be resolved, and closed the complaint. AT&T Illinois was not required to have one unfruitful conversation after another with Mr. Smith, once it became clear that Mr. Smith would not agree to a satisfactory arrangement for paying his past-due bills. AT&T Illinois simply followed its standard procedure for handling such informal complaints: before AT&T Illinois considered the complaint closed, "the manager [who's] handling the complaint" had "contacted the customer," "discussed the issue [raised by the informal complaint] with the customer," and "given [the Customer AT&T Illinois'] final response." Tr. 135:16-22. Mr. Smith's informal complaint was closed on Friday, July 18, 2008, when the parties could not agree to a payment arrangement, and thereafter AT&T Illinois properly disconnected Mr. Smith's business line. See Tr. 105:5-14; Tr. 154:20-155:6; Tr. 157:4-13.

AT&T Illinois' Ms. Anderson informed the CSD of this resolution on Monday, July 21, 2008, the day she returned from vacation. Tr. 142:14-144:14. Ms. Anderson subsequently spoke with the CSD's Counselor who was handling the informal complaint, and explained to him why AT&T Illinois "considered [the] issue to be closed on the 18th." Tr. 141:2-142:13; Tr. 144:7-14. The Counselor said he understood why AT&T Illinois had acted as it did, and did not suggest that AT&T Illinois had acted inappropriately or should restore Mr. Smith's service. Tr. 144:7-14. Thus, as the Counselor recognized, the informal complaint was no longer pending after Mr. Smith's final call with the billing and collections specialists on July 18. If the Counselor had told AT&T Illinois that its resolution of the informal complaint was improper, then AT&T Illinois would have taken whatever corrective action was deemed necessary. But the Counselor did not criticize AT&T Illinois' handling of the matter, and AT&T Illinois properly assumed that Mr. Smith's informal complaint was closed. Indeed, when Mr. Smith filed his formal complaint

EMPHASIS ADDED