

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TATYANA AND DONNA AUSTIN)	
)	
COMPLAINANTS)	
V.)	CASE NO. 2012-00424
)	
WINDSTREAM KENTUCKY EAST, LLC)	
)	
DEFENDANT)	

ORDER

On September 6, 2012, Complainants filed with the Commission a formal complaint against Windstream Kentucky East, LLC ("Windstream"). Complainants allege that they have had numerous, ongoing service issues with their phone and Internet services, both provided by Windstream. Complainants requested, *inter alia*, that Windstream: (1) provide a three-month credit on their phone bill; and (2) repair their phone and Internet service.¹ In its Answer Windstream admitted that Complainants had reported numerous service issues between April 2012 and September 2012.² Windstream also stated that it had provided Complainants with three months of billing credit and was willing to provide an additional three months of billing credit as a sign of good faith to resolve the complaint.³ Windstream also requested that the Commission schedule an informal conference for the purposes of determining

¹ Formal Complaint of Tatyanna and Donna Austin, ("Complaint") filed September 6, 2012 at 2.

² Answer of Windstream Kentucky East, LLC, ("Answer") filed October 1, 2012 at 1.

³ *Id.*

whether Complainants were still experiencing service issues and identify any additional service issues.

Representatives from Windstream, Complainants, and Commission Staff participated in an informal conference on November 7, 2012. At the conference, Complainants stated that they had had no service outages since October 29, 2012 and reiterated their desire for additional credits on their bill. Representatives from Windstream stated that they believed that the problem with the Complainants' service had been identified and resolved. The parties agreed to continue to monitor the status of Complainants' service to see if the issues had been resolved. Windstream agreed to discuss with Complainants the issuing of additional bill credits and also agreed to file a status report advising the Commission of any further service issues.

On November 26, 2012, Windstream filed the status report, in which Windstream stated that Complainants had experienced one service outage on November 7, 2012 but otherwise the service was without incident.⁴ Windstream also stated that it had agreed to provide the Complainants with the six-month bill credit that had been requested at the informal conference.⁵ Windstream requested that the Commission continue to hold the matter in abeyance pending a Commission request for a subsequent status update.⁶

On March 1, 2013, the Commission issued an Order directing that Windstream file a status update regarding any service issues with Complainants' service. The Order

⁴ Windstream Kentucky East, LLC's Status Report ("Status Report") filed November 26, 2012 at 1.

⁵ *Id.*

⁶ *Id.* at 2.

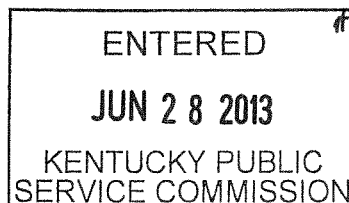
also directed the Complainants to file a statement stating whether or not their complaint had been satisfied. In response to the March 1, 2013 Order, Complainants and Windstream stated that there had been multiple service issues since the last status report was filed.

Approximately three months have passed since the last status update was filed, allowing for sufficient time to observe Complainants' service and determine if there were further service issues or if Windstream had permanently fixed the problems. If there have been very few or no more service problems, there is no compelling reason to keep this case on the Commission docket, particularly since Windstream satisfied Complainants' other requested relief, the six-month bill credit.

IT IS THEREFORE ORDERED that:

1. Within 14 days of the date of this Order, Windstream shall file with the Commission a status update that shall document any service issues with Complainants' service; and
2. Within 14 days of the date of this Order, Complainants shall file a statement with the Commission stating whether or not their complaint had been satisfied.

By the Commission



ATTEST.



Executive Director

Case No. 2012-00424

Tatyana & Donna Austin
4734 S KY 501
Liberty, KENTUCKY 42539

Honorable R. Benjamin Crittenden
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

Jeanne Shearer
VP - State Government Affairs
Windstream Kentucky East, LLC
130 W New Circle Road, Suite 170
Lexington, KY 40505