

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
_____)	CASE NO. 2000-134
)	
ALLEGED VIOLATION(S) OF KRS 278.535)	
SWITCHING OF TELECOMMUNICATIONS)	
PROVIDER)	

O R D E R

AT&T Communications of the South Central States, Inc. ("AT&T") is a communications provider as defined in KRS 278.535(1)(a), is authorized to do business in Kentucky, and is subject to the Commission's jurisdiction. AT&T is a foreign corporation (identification number 0177583) authorized by the Office of the Secretary of State of the Commonwealth of Kentucky to do business in Kentucky and said authorization occurred on or about October 14, 1983. The records maintained by the Office of Secretary of State show that the principal place of business for AT&T is 412 Mt. Kemble Avenue, Room 5287, Morristown, New Jersey 07960-1995 and show that the registered agent is CT Corporation System, Kentucky Home Life Building, Louisville, Kentucky 40202.

KRS 278.535(1)(a) prescribes statutory procedures for the proper changing of any Kentucky customer's primary telecommunications carrier.

COUNT I

1. On or about May 25, 1999, Ms. Michael B. Smith, on behalf of EDSCO, Inc. ("EDSCO"), reported to Commission Staff by telephone that EDSCO's long-distance carrier had been changed from MCI to AT&T without EDSCO's authority or permission. EDSCO's telephone number is 502/412-3133.

2. By letter dated May 26, 1999, Commission Staff notified AT&T of the complaint received by Commission Staff from EDSCO. The letter requested that AT&T provide Commission Staff appropriate evidence that EDSCO had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count I-A**. KRS 278.535(2) places the burden of proof on AT&T to show that EDSCO knowingly authorized the carrier change.

3. On June 15, 1999, Commission Staff mailed AT&T a second notification regarding the complaint lodged by EDSCO. A copy of said letter is attached hereto and marked **Appendix Count I-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of EDSCO that properly authorized the carrier change.

COUNT II

1. On or about August 19, 1999, a representative of Farm Bureau Mercer County ("Farm Bureau") reported to Commission Staff by telephone that Farm Bureau's long-distance carrier had been changed from Excel to AT&T without Farm Bureau's authority or permission. Farm Bureau's telephone number is 606/734-4341.

2. By letter dated August 24, 1999, Commission Staff notified AT&T of the complaint received by Commission Staff from Farm Bureau. The letter requested that AT&T provide Commission Staff appropriate evidence that Farm Bureau had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count II-A**. KRS 278.535(2) places the burden of proof on AT&T to show that Farm Bureau knowingly authorized the carrier change.

3. On September 27, 1999, Commission Staff mailed AT&T a second notification regarding the complaint lodged by Farm Bureau. A copy of said letter is attached hereto and marked **Appendix Count II-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Farm Bureau that properly authorized the carrier change.

COUNT III

1. On or about September 30, 1999, Chuck Norris reported to Commission Staff by telephone that his long-distance carrier had been changed from Unidial to AT&T without his authority or permission. Mr. Norris's telephone number is 502/549-3239.

2. By letter dated October 5, 1999, Commission Staff notified AT&T of the complaint received by Commission Staff from Mr. Norris. The letter requested that AT&T provide Commission Staff appropriate evidence that Mr. Norris had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count III-A**. KRS 278.535(2) places the burden of proof on AT&T to show that Mr. Norris knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Norris in which he properly authorized the carrier change.

COUNT IV

1. On or about January 12, 1999, Elizabeth Sherling reported to Commission Staff by letter that her long-distance carrier had been changed to AT&T without her authority or permission. Ms. Sherling's telephone number is 502/539-4023.

2. By letter dated May 18, 1999, Commission Staff notified AT&T of the complaint received by Commission Staff from Ms. Sherling. The letter requested that AT&T provide Commission Staff appropriate evidence that Ms. Sherling had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count IV-A**. KRS 278.535(2) places the burden of proof on AT&T to show that Ms. Sherling knowingly authorized the carrier change.

3. On June 30, 1999, Commission Staff mailed AT&T a second notification regarding the complaint lodged by Ms. Sherling. A copy of said letter is attached hereto and marked **Appendix Count IV-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Sherling in which she properly authorized the carrier change.

COUNT V

1. On or about June 25, 1999, Louellen Williamson reported to Commission Staff by telephone that her long-distance carrier had been changed from MCI to AT&T

without her authority or permission. Ms. Williamson's telephone number is 502/695-3524.

2. By letter dated July 7, 1999, Commission Staff notified AT&T of the complaint received by Commission Staff from Ms. Williamson. The letter requested that AT&T provide Commission Staff appropriate evidence that Ms. Williamson had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count V-A**. KRS 278.535(2) places the burden of proof on AT&T to show that Ms. Williamson knowingly authorized the carrier change.

3. On July 27, 1999, Commission Staff mailed AT&T a second notification regarding the complaint lodged by Ms. Williamson. A copy of said letter is attached hereto and marked **Appendix Count V-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Williamson in which she properly authorized the carrier change.

COUNT VI

1. On or about February 18, 1999, Elizabeth Disney reported to Commission Staff by telephone that her long-distance carrier had been changed from MCI to AT&T without her authority or permission. Ms. Disney's telephone number is 502/863-3460.

2. By letter dated February 18, 1999, Commission Staff notified AT&T of the complaint received by Commission Staff from Ms. Disney. The letter requested that AT&T provide Commission Staff appropriate evidence that Ms. Disney had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix**

Count VI-A. KRS 278.535(2) places the burden of proof on AT&T to show that Ms. Disney knowingly authorized the carrier change.

3. On March 10, 1999, Commission Staff mailed AT&T a second notification regarding the complaint lodged by Ms. Disney. A copy of said letter is attached hereto and marked **Appendix Count VI-B.**

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Disney in which she properly authorized the carrier change.

Based on the foregoing allegations and on the results of the investigation by the Commission Staff, the Commission, on its own motion, **HEREBY ORDERS** that:

1. AT&T shall submit to the Commission within 20 days of the date of receipt of this Order a response to the allegations contained in each Count above.

2. AT&T shall appear on July 12, 2000, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of showing cause why it should not be subject to penalties pursuant to KRS 278.990(1) and KRS 278.535(6) for the alleged violations of law described herein.

3. Any request for an informal conference with the Commission Staff to consider any matter which would expedite the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of receipt of this Order.

Done at Frankfort, Kentucky, this 22nd day of March, 2000.

By the Commission

ATTEST:


Executive Director