

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RICHARD BREEN)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO.
)	2000-409
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

Richard M. Breen filed a complaint against BellSouth Telecommunications, Inc. ("BellSouth") alleging that BellSouth has failed to furnish him adequate, efficient, and reasonable high speed Internet access service. BellSouth answered Mr. Breen's complaint and the parties have held an informal conference. On February 5, 2001, BellSouth filed a motion to dismiss Mr. Breen's complaint. Mr. Breen filed a response.

In its motion, BellSouth alleges that Mr. Breen has failed to state a basis for any relief. Mr. Breen had been advised by BellSouth that DSL service was not available on his line. He then inquired about ISDN service from a competitive carrier. It is undisputed that Mr. Breen has high speed Internet access service available to him through ISDN service. Mr. Breen argues that DSL should be made available. BellSouth asserts that the DSL technology which Mr. Breen requests is limited to deployment over non-loaded copper cable pairs. Mr. Breen's office is served by loaded copper cables and non-loaded copper cables are not available at his location. Mr. Breen has supplied no factual basis to verify his allegations that BellSouth provided poor service to him

because of his use of competitive carriers. Should such factual information become available, the Commission should be notified.

Moreover, BellSouth has asserted that it has provided to BlueStar, a competitive local exchange carrier providing service to Mr. Breen, an unbundled network element which allows BlueStar to provide high speed Internet access to Mr. Breen without the removal of the loaded coils.

Mr. Breen asserts that it took BellSouth from January 2000 to September 7, 2000 to provide high speed Internet access. The Commission is concerned about this delay and believes that BellSouth should make every effort to reduce the time necessary to provide its customers with the best technology available on existing facilities.

Since Mr. Breen now has all relief which is available to him, the Commission finds that this complaint should be dismissed. However, BellSouth should continue in its efforts to reduce the time necessary to delivery high-speed access to its customers who desire such advance services

Despite Mr. Breen's allegations to the contrary, he has received from BellSouth the high speed Internet access which can be provided to him at this time. Within days after filing this complaint, ISDN service was made available to Mr. Breen through a competitor. A competitive carrier could also provide him a service on an unbundled network element basis through a digital loop carrier system. Thus, all the relief available to Mr. Mr. Breen has been provided to him. Accordingly, the Commission hereby dismisses this complaint.

BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 15th day of May, 2001.

By the Commission

ATTEST:


Executive Director