

issue a formal written apology, and to reimburse for cell phone usage by the residents of the community who were forced to use cell phones because of lack of land line service. Additionally, Complainants request that the Commission prohibit BellSouth from continuing this type of business practice.

On October 13, 2000, the Commission ordered BellSouth to satisfy or answer the complaint. In its answer BellSouth admits that it failed to provide Complainants' service by the promised August and September dates. However, BellSouth stated that it installed service to Complainants on September 27, 2000.

BellSouth claims that the delay in installation of service arose from difficulties in obtaining the necessary fiber cable to extend service to the Complainants' subdivision.

BellSouth states that, as a goodwill gesture, it has adjusted Complainants' bills with a 2-month local service refund as well as a waiver of installation charges.

On January 3, 2001, the Commission issued a data request to BellSouth requesting that BellSouth provide proof that it had served its answer on all the Complainants who were signatories to the complaint. On January 12, 2001, BellSouth responded to the data request, stating that it had served a copy of its answer on the Complainants. As of January 23, 2001, no Complainant has contested BellSouth's assertions in its answer.

Having reviewed the evidence and being otherwise sufficiently advised, the Commission finds that:

1. As Complainants are now receiving service, a hearing in this matter is not necessary in the public interest or for the protection of substantial rights, and this complaint should be dismissed without a hearing.

2. Although the extreme delay in providing service in this case appears to have been caused by factors beyond BellSouth's control, BellSouth should take all reasonable precautions to ensure that such delays do not recur.


IT IS THEREFORE ORDERED that:

1. The complaint herein is dismissed with prejudice.
2. This case is closed and shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 8th day of February, 2001.

By the Commission

ATTEST:



Executive Director