

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GARY NEIL HARRIS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2005-00149
)	
AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
)	
DEFENDANT)	

O R D E R

On March 25, 2005, Gary Neil Harris filed with the Commission a formal complaint alleging that “AT&T and (Risk Management Alternative) Collection [sic] agency refuse to discontinue long distance telephone service even after service was requested multiple times throughout 2002.”¹ Mr. Harris alleges that he stopped paying for long-distance service after attempting several times to discontinue service. Mr. Harris requests that “company (AT&T) collections be stopped.”²

Pursuant to 807 KAR 5:001, Section 12(4)(a), the Commission, upon receipt of a formal complaint, must determine whether the complaint states a *prima facie*³ case. If

¹ Complaint at 1.

² Id. at 2.

³ “Such as will prevail until contradicted and overcome by other evidence.” Black’s Law Dictionary, 1188 (6th Ed. 1990)(citing Pacific Telephone & Telegraph Co. v. Wallace, 75 P.2d 942, 947 (Or. 1938)).

the Commission finds that the complaint does not state a *prima facie* case, it must provide the Complainant an opportunity to amend the complaint so that a *prima facie* case is stated.

The Commission finds that this formal complaint before the Commission fails to state a *prima facie* case. The complaint fails to provide pertinent information such as the dates when Mr. Harris allegedly contacted AT&T to cancel service, Mr. Harris's phone number or account number, copies of billing records, or copies of correspondence with AT&T. The complaint fails to state the specific actions of AT&T that he disputes or the requested relief. The Commission further notes that "Risk Management Alternative Collection Agency" is not a "utility" and therefore is not subject to the Commission's jurisdiction. Any amended complaint should, at a minimum, clarify the relationship between "Risk Management Alternative Collection Agency" and AT&T.

IT IS THEREFORE ORDERED that:

1. The complaint is rejected for filing for failing to state a *prima facie* case.
2. Within 20 days of the date of this Order, Complainant may file an amended complaint with the Commission that states a *prima facie* case.
3. In the event Complainant fails to file within the allotted time, or submits an amended complaint that does not state a *prima facie* case, this case shall be closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 18th day of May, 2005.

By the Commission

ATTEST:


Executive Director

Case No. 2005-00149