

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DION DECKER)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2005-00375
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

ORDER

Dion Decker has filed a complaint against BellSouth Telecommunications, Inc. (“BellSouth”) in which he alleges that he was charged an excessive amount for the repair of telephone jacks inside his residence. Having reviewed the complaint, we find that it fails to state a prima facie case.

Administrative Regulation 807 KAR 5:001, Section 12(4) requires the Commission to review each formal complaint upon its filing to determine whether the complaint establishes a prima facie case. A complaint establishes a prima facie case when, on its face, it sets forth sufficient allegations that if uncontradicted by other evidence would entitle the complainant to the requested relief.

In his complaint, Complainant takes issue with the amounts that BellSouth billed him for repairs of telephone jacks inside his residence. Such equipment and the charges for servicing such equipment, however, are not subject to this Commission’s jurisdiction.

In Administrative Case No. 305,¹ this Commission ordered that the installation and maintenance of inside wire be detariffed. We took this action after the Federal Communications Commission had prohibited all states from imposing common carrier tariff regulation on the installation or maintenance of inside wiring after December 31, 1986.²

As the charges that are the subject of the complaint are outside of our jurisdiction, we lack the authority to consider the complaint or to grant Complainant's requested relief. Accordingly, we find that the complaint fails to state a prima facie case and should be dismissed. Any complaints relating to the charges disputed herein may be brought in a court of competent jurisdiction or with the Office of the Attorney General.

IT IS THEREFORE ORDERED that:

1. The complaint is dismissed.
2. This case is closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 20th day of February, 2006.

By the Commission

ATTEST:



Executive Director

¹ Administrative Case No. 305, Detariffing the Installation and Maintenance of Inside Wiring (Ky. PSC Dec. 24, 1986).

² Detariffing the Installation and Maintenance of Inside Wiring, CC Docket No. 79-105, 1986 WL 292720 (FCC Feb. 24, 1986).