

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NELDA C. BUSHART	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2009-00070
	)	
AT&T, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On June 16, 2009, the Commission issued an Order<sup>1</sup> (“June 16 Order”) in this proceeding directing the complainants to supplement their formal complaints<sup>2</sup> by submitting written responses to the questions contained in the Appendix to that Order within 20 days of the date of that Order. The Commission also held that, if any person named in the June 16 Order failed to provide a response within the time frame provided,

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<sup>1</sup> Within that Order, the Commission also consolidated Case Nos. 2009-00085 and 2009-00086 with this proceeding, finding that the three cases “generally pertain to the same provider of the landline and cell service in question, AT&T, Inc., and pertain to interruptions in service in the far western counties of the state during and immediately after the occurrence of the 2009 Ice Storm . . . .” June 16 Order at 3. The complainants in all three cases were served with copies of the June 16 Order and were also served with a copy of the June 25, 2009 Order in this proceeding formally consolidating the service lists for the three cases into the service list for this proceeding only.

<sup>2</sup> As listed within the June 16 Order, eight separate complaints are consolidated within this proceeding.

that person's complaint would be dismissed without prejudice from the Commission's docket.

By the Commission's calculations, each of the complainants to this proceeding was obligated to respond to the June 16 Order no later than July 6, 2009. The Commission has reviewed the record for this proceeding and finds no evidence that any of the complainants submitted the supplemental information as directed in the June 16 Order. The only exception to that statement is the submission of Alan and Elizabeth Jones. The submission of Mr. and Mrs. Jones shall be addressed in a separate portion of this Order. The purpose of the June 16 Order and the supplemental questions in the Appendix was to allow the complainants to provide additional information to the Commission about the nature of the complaint and to supply sufficient specificity regarding their respective grievances against AT&T, Inc. so that the Commission could determine, pursuant to 807 KAR 5:001, Section 12(4)(a), whether each complaint establishes a prima facie case. Such specificity would have included provision of the account numbers associated with the telephone services alleged to have experienced service disruptions, as well as specifying whether the complainant maintained wireline services, wireless services, or both services with AT&T, Inc. The questions were listed by the Commission in the Appendix to the June 16 Order and are critically important in the Commission's investigation and resolution of each complaint. As no complainants except Mr. and Mrs. Jones have submitted the additional information ordered by the Commission, we find that each of the remaining complaints shall be dismissed without prejudice for failure to state a prima facie case.<sup>3</sup>

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<sup>3</sup> See 807 KAR 5:001, Section 12(4)(b).

## RESPONSE OF ALAN AND ELIZABETH JONES

On August 13, 2009 ("August 13 submission"), complainants Alan W. and Elizabeth R. Jones filed their response to the Commission's June 16 Order. Their response is provided in Appendix A to this Order. The Jones' initial complaint, as filed on May 14, 2009, is provided in Appendix B to this Order. In their August 13 submission, the Joneses provide answers to each of the specific questions propounded by the Commission on June 16. Mr. and Mrs. Jones provide exact details regarding the dates upon which they experienced interruptions or loss of service and provide details about their prayer for relief. The Joneses also provide details about how their reliance on certain telecommunications services was impaired during the 2009 Ice Storm.

The Commission notes that the Jones' August 13 submission was filed over four weeks beyond the deadline set within the Commission's June 16 Order. As previously stated, the responses to that Order were due on July 6, 2009. The Commission's general procedure would require that the Jones' complaint be dismissed for failure to act timely in accordance with the Commission's instructions. However, the Commission is cognizant that the basis for the complaint is the 2009 Ice Storm, which had a tremendous impact on most Kentucky citizens, especially citizens within far western Kentucky. The Commission considers the loss of and interruptions to utility services to be crucial issues which must be addressed, particularly when those interruptions occur during times of natural disasters. Additionally, the Commission notes that the Joneses are the only complainants who have responded to the Commission's June 16 Order and their response was thorough in explaining their experiences with telephone services during and after the 2009 Ice Storm. Although the Commission takes issue with the

timeliness of their response, the Commission shall act within its discretion and shall allow the Jones' complaint to move forward. The Commission strongly advises the Joneses to strictly comply with the timeline set forth for the submission of any documents that may be required within future Commission Orders in this proceeding.

Having reviewed the August 13 submission, the Commission finds that the Joneses have established a prima facie case which entitles them to have their complaint move forward and be heard. Therefore, by this Order, AT&T, Inc. shall have 10 days from the date of service of this Order to either satisfy or answer the Jones' complaint.

Since the other complainants to this proceeding are being dismissed, the Commission finds that the style of this proceeding shall be changed to reflect that Mr. and Mrs. Jones are the sole complainants against the defendant, AT&T, Inc. The style is also changed to reflect the proper jurisdictional utilities providing the services which are the subject of the Jones' Complaint. The change to the style will be outlined within in the ordering paragraphs for this Order.

IT IS HEREBY ORDERED that:

1. With the exception of the complaint filed by Alan W. and Elizabeth R. Jones, each of the complaints contained within this proceeding is dismissed without prejudice.

2. The complaint filed by Alan W. and Elizabeth R. Jones is accepted for filing and shall move forward for resolution by the Commission.

3. The style for Case No. 2009-00070 shall be changed to the following:

In the Matter of:

ALAN W. AND ELIZABETH R. JONES	)	
	)	
COMPLAINANTS	)	
	)	
V.	)	
	)	
BELLSOUTH TELECOMMUNICATIONS, INC. DBA AT & T KENTUCKY	)	CASE NO. 2009-00070
	)	
AND	)	
	)	
NEW CINGULAR WIRELESS PSC, LLC	)	
	)	
DEFENDANTS	)	

4. All pleadings and Orders filed after the date of this Order shall reflect the new style for this proceeding.

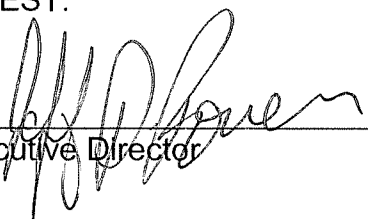
5. The Executive Director shall serve a copy of this Order upon AT&T, Inc.

6. AT&T, Inc. shall have 10 days from the date of service of this Order to either satisfy or answer the Jones' complaint.

By the Commission

<p>ENTERED <i>M</i></p> <p><b>AUG 24 2009</b></p> <p>KENTUCKY PUBLIC SERVICE COMMISSION</p>
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ATTEST:



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Executive Director

Case No. 2009-00070

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2009-00070 DATED **AUG 24 2009**

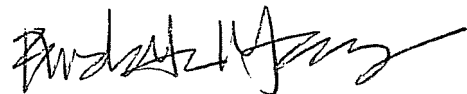
RECEIVED  
AUG 13 2009  
PUBLIC SERVICE  
COMMISSION

Commonwealth of Kentucky  
Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
August 15, 2009

Dear Mr. Derouen,

In reference to case no. 2009-00070 and your request for additional notarized information from my household, please find the enclosed response. I thank you for your time and attention to this matter. With any further questions or information needed, please feel free to contact me at the numbers below.

Sincerely,



Elizabeth R. Jones  
408 Third Street  
Fulton, KY 42041  
(270) 472-1514 (home)  
(270) 309-0446 (cell)

APPENDIX  
Case No. 2009-00070

Alan and Elizabeth R. Jones, Complainant

1. Alan W. and Elizabeth R. Jones  
408 Third Street  
Fulton, Kentucky 42041
2. Landline and cellular phone service as well as DSL internet service and satellite television coverage (all of which are bundled into one fee package with our AT&T service)
3. The services listed above are used in a 50/50 mix of personal and business nature. None are exclusively home use.
4. AT&T, INC.
5. (270) 472-1514, (270) 309-0446, (270) 994-3369, (270) 627-3179, (270) 627-4070, (270) 627-4233
6. The period without usage of the above named services stretches from January 27, 2009 – February 24, 2009 consecutively and also encompasses a 6 week period of time thereafter (thorough April 15, 2009) during which there was only sporadic provision of services as generators were being installed and lines being rebuilt after the ice storm.
7. We are requesting consideration of restitution for the entire 12 week period of time (January – April 2009) that no reliable service was available in our area from the provider, AT&T, as well as a prorating or reduction of continuing monthly service rates due to said disruption/unreliable service.
8. My husband and I are both employed in the medical field and live/practice in a geographically remote area. It is IMPERATIVE that our ability to communicate remains unimpeded AT ALL TIMES. We both serve as first responders on a county-wide emergency disaster relief committee and were responsible for the care of the rural populations of both Fulton and Hickman counties during the January 2009 ice storm. We were not able to be reached via normal modes of communication during that time frame, significantly hindering our ability to provide needed medical assistance, due to problems with our AT&T service.
9. We are both residents and employed within the state of Kentucky at this time.

*Rhonda Wilson*  
*My Commission*  
*expires March 28, 2013.*



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2009-00070 DATED **AUG 24 2009**

Kentucky Public Service Commission

P.O. Box 615

Frankfort, KY 40602-0615

May 11, 2009

2009-00070  
RECEIVED  
MAY 14 2009  
PUBLIC SERVICE  
COMMISSION

Enclosed please find ten (10) copies of formal complaint per rules of procedure of 807 KAR5:001 that my husband and I wish to have considered by the Public Service Commission after experiencing disruption of service with our cellular and land line phone through AT & T during the January 2009 ice storm.

We will respectfully await your findings.



Elizabeth R. Jones

408 Third Street

Fulton, KY 42041

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

2009-0090

In the matter of:

RECEIVED

MAY 14 2009

PUBLIC SERVICE  
COMMISSION

Alan & Elizabeth R Jones )  
(Your Full Name) )

COMPLAINANT )

VS. )

AT & T )  
(Name of Utility) )

DEFENDANT )

COMPLAINT

The complaint of Alan & Elizabeth R Jones respectfully shows:  
(Your Full Name)

(a) Alan & Elizabeth R Jones  
(Your Full Name)

408 Third Street - Fulton, Ky  
(Your Address)

(b) AT & T  
(Name of Utility)

PO Box 105503 Atlanta GA 30348-5503  
(Address of Utility)

(c) That: Communication via cell phone  
(Describe here, attaching additional sheets if necessary,

service during the period of time 012709  
the specific act, fully and clearly, or facts that are the reason  
to 022409 unavailable due to ice & winter  
and basis for the complaint.)  
storm damage to above ground lines

Continued on Next Page

Formal Complaint

Alan & Elizabeth R Jones vs. A.T.&T

Page 2 of 2

The complainants are both employed in the medical field making cell phones an indispensable form of communication to their work - esp. in emergency or disaster relief efforts the magnitude of January 2009's ice storm

Wherefore, complainant asks

(Specifically state the relief desired.)

that our communications company (A.T.T) be held responsible for NOT billing their customers in good standing during periods of time when service is impaired

Dated at Fulton, Kentucky, this 15th day (Your City)

of April, 2009 (Month)

[Handwritten Signature]

(Your Signature)

timeliness of their response, the Commission shall act within its discretion and shall allow the Jones' complaint to move forward. The Commission strongly advises the Joneses to strictly comply with the timeline set forth for the submission of any documents that may be required within future Commission Orders in this proceeding.

Having reviewed the August 13 submission, the Commission finds that the Joneses have established a prima facie case which entitles them to have their complaint move forward and be heard. Therefore, by this Order, AT&T, Inc. shall have 10 days from the date of service of this Order to either satisfy or answer the Jones' complaint.

Since the other complainants to this proceeding are being dismissed, the Commission finds that the style of this proceeding shall be changed to reflect that Mr. and Mrs. Jones are the sole complainants against the defendant, AT&T, Inc. The style is also changed to reflect the <sup>proper</sup> paper jurisdictional utilities providing the services which are the subject of the Jones' Complaint. The change to the style will be outlined within in the ordering paragraphs for this Order.

IT IS HEREBY ORDERED that:

1. With the exception of the complaint filed by Alan W. and Elizabeth R. Jones, each of the complaints contained within this proceeding is dismissed without prejudice.
2. The complaint filed by Alan W. and Elizabeth R. Jones is accepted for filing and shall move forward for resolution by the Commission.

J. H. & Melanie Atwill  
1677 St. Rte. 781 South  
Fulton, KY 42041

Kymberly J Kane  
4331 Mercedes Drive  
South Fulton, TN 38257

Ward and Nelda Bushart  
5645 Country Club Road  
South Fulton, TN 38257

NCB Realtors  
312 Lake Street  
Fulton, KY 42041

Robert W Bushart, II  
5645 Country Club Road  
South Fulton, TN 38257

Joan Coleman  
President - Kentucky  
AT&T Communications of the South Central  
601 W. Chestnut St.  
Room 408  
Louisville, KY 40203

Tiffany L Hobbs  
1308 Diuguid Drive  
Murray, KY 42071

Kimberly Dawn Jackson  
1011 West State Line Road  
South Fulton, TN 38257

Alan & Elizabeth R Jones  
408 Third St  
Fulton, KY 42041