

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On September 8, 2009, the defendants, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky and New Cingular Wireless PCS, LLC (collectively, "AT&T"), filed an Answer and Motion to Dismiss in response to the complaint filed by the complainants, Alan and Elizabeth Jones. Within the Answer and Motion to Dismiss, AT&T states, among other arguments, that the complainants called AT&T on May 22, 2009 concerning the availability of service during the 2009 Ice Storm and during the service restoration period. AT&T states that it issued a one-time courtesy credit to the

complainants on May 23, 2009. The credit appeared on the complainants' June 11, 2009 bill.<sup>1</sup>

In the Answer and Motion to Dismiss, AT&T also notes that its records indicate that the complainants' service was out from January 27 to February 3, 2009 and February 14 to 17, 2009, equaling 12 days. AT&T denies the complainants' assertions that they are entitled to restitution or a "prorating or reduction of continuing monthly service rates"<sup>2</sup> based on the allegations that no reliable service was available in their area for the entire 12-week period of January 2009 to April 2009.

As AT&T has stated that it has provided the complainants with a courtesy credit on their June 2009 bill in relation to their service interruptions due to the 2009 Ice Storm, the Commission finds that Mr. and Mrs. Jones should be given an opportunity to provide a response to this Answer and Motion to Dismiss. Pursuant to 807 KAR 5:001, Section 12(5), after an offer of satisfaction by a defendant, a complainant's acceptance of the offer, and the Commission's approval, no further proceedings are necessary. It appears that AT&T, by providing a credit on the complainants' bill, has offered to satisfy the matters in the complaint. As of the date of this Order, the Commission has received nothing from the complainants to indicate whether they will accept or reject AT&T's offer of satisfaction. Accordingly, the Joneses shall have 10 days from the date of this Order

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<sup>1</sup> See Answer and Motion to Dismiss at 2. By decision letter dated September 14, 2009, the Commission granted confidentiality to the billing information provided by AT&T regarding Mr. and Mrs. Jones' account. This billing information included references to the exact dollar figure of courtesy credit given to Mr. and Mrs. Jones. As the dollar figure has been deemed confidential by the Commission, the exact amount will not be referenced within this Order.

<sup>2</sup> Supplemental Complaint, paragraph 7 at 2. Filed on August 13, 2009.

to submit a response to the Commission and to AT&T. Within their response, Mr. and Mrs. Jones shall provide the following information:

1. State whether they received a credit from AT&T on the June 2009 bill.
2. State whether they believe this credit qualifies as a satisfactory resolution to their complaint of loss of service during the 2009 Ice Storm.
3. State whether they desire to continue their complaint against AT&T or to have the complaint dismissed and closed.
4. If they desire to continue forward with their complaint, state the reasons they believe the complaint should move forward and the relief they believe they are entitled to receive.
5. If they desire to continue forward with their complaint, state the dates and times they would be available to participate in a telephone conference with AT&T and Commission Staff.
6. If they desire to continue forward with their complaint, provide any other details and information relevant to the service interruption allegations or details and information in response to AT&T's Answer and Motion to Dismiss.

Upon receiving the response from the complainants, the Commission shall determine the next procedural steps for this proceeding by separate Order.

IT IS HEREBY ORDERED that:

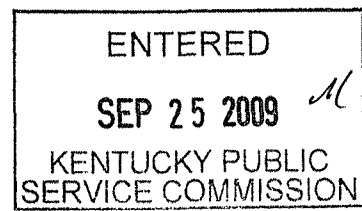
1. Within 10 days of the date of this Order, Mr. and Mrs. Jones shall submit a response to the Commission and to AT&T and shall include answers to the questions outlined within this Order.

2. Mr. and Mrs. Jones shall submit an original and five copies of their response to the Commission.

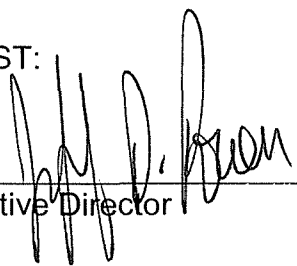
3. Mr. and Mrs. Jones shall submit one copy of their response to the following:

AT&T Kentucky  
Attn: Office of the General Counsel  
601 West Chestnut Street  
Room 407  
Louisville, KY 40203

By the Commission



ATTEST:

  
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Executive Director

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

Mary Pat Regan  
President  
AT&T Communications of the South Central  
601 W. Chestnut Street  
Room 408  
Louisville, KY 40203

Honorable Cheryl R Winn  
Attorney at Law  
BellSouth Telecommunications, Inc.  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203