

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.)	
D/B/A AT&T KENTUCKY)	
)	
AND)	
)	
NEW CINGULAR WIRELESS PSC, LLC)	
)	
DEFENDANTS)	

O R D E R

On September 25, 2009, the Commission issued an Order wherein the complainants, Alan and Elizabeth Jones, were instructed to submit to the Commission and to the defendants, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky and New Cingular Wireless PSC, LLC (collectively, "AT&T"), a written response to six questions outlined within that Order. The complainants were ordered to submit their responses within 10 days of the date of the Order. To date, the Commission has not received any written responses from Mr. and Mrs. Jones.

On September 8, 2009, AT&T filed an Answer and Motion to Dismiss in response to the complaint. Within the Answer and Motion to Dismiss, AT&T states, *inter alia*, 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. Mr. and Mrs. Jones

filed their initial complaint with the Commission against AT&T on May 14, 2009 and filed a supplement to the complaint on August 13, 2009. In their complaint with the Commission, Mr. and Mrs. Jones contend that they are entitled to restitution or to have their monthly service rates either prorated or reduced on a going-forward basis based on their allegations that no reliable service was available in their area for the entire 12-week period of January 2009 to April 2009.¹ 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.²

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, thereby rebutting the claim by Mr. and Mrs. Jones that interruptions occurred throughout a 12-week period from January to April 2009.

SATISFACTION OF COMPLAINT

The Commission has the jurisdiction to resolve the service and billing complaint filed by Mr. and Mrs. Jones, pursuant to KRS 278.541(1)(c) and (e), which preserves the Commission's ability to investigate the quality of voice transmission of basic and non-basic services and billing accuracy for telecom services. Having reviewed the

¹ Supplemental Complaint, paragraph 7 at 2, filed on August 13, 2009.

² 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.

arguments of the parties and the evidence submitted to the record, the Commission finds that the complainant's action against AT&T shall be dismissed, since AT&T has provided satisfaction under 807 KAR 5:001, Section 12(5). The Commission finds that the satisfaction is approved and the complaint is, therefore, dismissed.

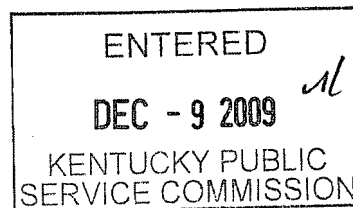
AT&T has stated that it has provided the complainants with a courtesy credit on their June 2009 bill in relation to their documented service interruptions due to the 2009 ice storm. Although Mr. and Mrs. Jones were given the opportunity to rebut AT&T's claims as to its documented dates of interruptions to service and given the opportunity to rebut the claims that they received billing credits as satisfaction for charges incurred during the time of the service interruptions, the complainants have failed to follow the Commission's Order to submit responses into the record. The billing evidence proffered by AT&T indicates that the billing credits extended to Mr. and Mrs. Jones in light of the service interruptions due to the 2009 ice storm were accepted by them. The billing evidence also rebuts the claims by Mr. and Mrs. Jones regarding the total number of days for which they experienced service interruptions. Mr. and Mrs. Jones claimed that no reliable service was available in their area for the entire 12-week period of January 2009 to April 2009. AT&T responded that its records indicate that the complainants' service was out from January 27 to February 3, 2009 and February 14 to 17, 2009, equaling only 12 days, and that the courtesy credit was offered to the complainants in relation to the time for loss of service noted within its records for the complainants' account. 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.

The Commission has reviewed the confidential billing records provided by AT&T and the billing credit information detailed with those records. It appears that AT&T, by providing a credit on the complainants' bill, has offered to satisfy the matters in the complaint, and the evidence in the record indicates that the offer has been accepted by Mr. and Mrs. Jones. The Commission hereby approves AT&T's satisfaction of the complaint. The complaint is, therefore, dismissed and is closed and removed from the Commission's docket.

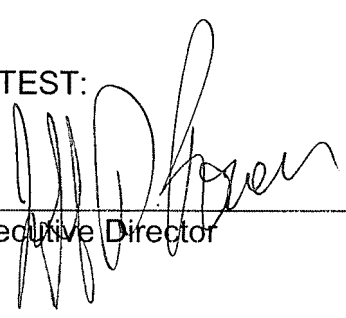
IT IS HEREBY ORDERED that:

1. AT&T's satisfaction of the complaint is approved.
2. This matter is dismissed and is closed and removed from the Commission's docket.

By the Commission



ATTEST:



Executive Director

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