

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)	

AND

ROBERT WARD BUSHART, II)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2009-00085
)	
AT&T, INC.)	
)	
DEFENDANT)	

AND

TIFFANY LYNN HOBBS)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2009-00086
)	
AT&T, INC.)	
)	
DEFENDANT)	

O R D E R

Several complaints have been filed with the Commission by customers of AT&T, Inc. alleging disruptions to cellular and landline services during and after the January

and February 2009 Ice Storm (“2009 Ice Storm”). The complaints were filed by persons residing or doing business in or near Fulton County and Calloway County, Kentucky, which are located in the far western portion of the Commonwealth. Complaints were received from the following:

<u>Complainant and Case Number</u>	<u>Date Received</u>	<u>Nature of Complaint</u>
Alan and Elizabeth R. Jones 2009-00070	May 14, 2009 (they reside in Fulton, KY 42041)	January 2009 Ice Storm – Jan. 27, 2009 to Feb. 24, 2009 – Disruption/unavailability of landline and wireless services provided by AT&T; request billing adjustments for the time period when service was impaired.
Kimberly Dawn Jackson 2009-00070	March 27, 2009 (she resides in South Fulton, TN 38257)	AT&T Wireless does not have sufficient tower capabilities within the area; poor call quality; no back-up systems in place for emergencies; request AT&T to upgrade and improve tower services in the area; request AT&T to lower rates due to numerous dropped calls on a daily basis.
J.H. and Melanie Atwill 2009-00070	March 13, 2009 (they reside in Fulton, KY 42011)	AT&T service disruption – No landline, cell or Dish service from Jan. 27, 2009 to Feb. 12, 2009 due to Ice Storm; request adjustments of cellular, landline and Dish rates from Jan. 27 to Feb. 12.
Kymberly J. Kane 2009-00070	Feb. 26, 2009 (she resides in South Fulton, TN 38257)	Cell service was not provided during the ice storm which occurred on Jan. 26 and 27 and days thereafter; requests reimbursement of payment for services that were not received during that period.
Ward and Nelda Bushart 2009-00070	Feb. 16, 2009 (they reside in South Fulton, TN 38257)	Ongoing disruptions to cell service; poor and inadequate services at all times; lack of service during inclement weather; lack of responsiveness to problems from AT&T customer service; high charges for poor service. (No specific relief was requested.)
NCB Realtors 2009-00070	Feb. 16, 2009 (NCB Realtors is based in Fulton, KY 42041)	Ongoing disruptions to cell service; poor and inadequate services at all times; lack of service during inclement weather; lack of responsiveness to problems from AT&T customer service; high charges for poor service. (No specific relief was requested.)

Robert Ward Bushart, II 2009-00085	February 18, 2009 (he resides in South Fulton, TN)	Sporadic cell service; often unable to make or receive calls; receives voicemails three or four days late; internet service is out three days of each month; complaints to AT&T are ignored; requests refund of \$200.00 and correction of the problem; requests service commensurate with monthly billing statement.
Tiffany Lynn Hobbs 2009-00086	February 19, 2009 (she resides in Murray, KY 42071)	During 2009 Ice Storm, service was interrupted for many days; family was in Cape Girardeau with sick child and could not phone for help; requests relief from charges for time period of service interruption.

As the complaints in Case Nos. 2009-00070, 2009-00085, and 2009-00086 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, the Commission finds that the complaints are sufficiently similar in nature and should be administratively consolidated under Case No. 2009-00070.

Typically, when utility customers file complaints with the Commission, the complaints are reviewed to determine if a *prima facie* case exists which would compel the utility either to provide a written response or to satisfy the issues complained of.¹ However, before compelling AT&T, Inc. to address these particular complaints, the Commission finds that each of the complainants should be given the opportunity to provide additional information for the record. After reviewing the additional information from each complainant, the Commission will then determine if the individual complaints meet the standard for a *prima facie* case.

¹ 807 KAR 5:001, Section 12.

The Commission finds that each of the named complainants shall provide a written response to the questions contained in the Appendix to this Order. The responses shall be submitted to the Commission within 20 days of the date of this Order. Each person shall provide five copies of the response to the Commission. Each person shall refer to Case No. 2009-00070 in the response submitted to the Commission. If any person named within this Order fails to provide a response to the Commission within 20 days of the date of this Order, that person's complaint shall be dismissed without prejudice from the Commission's docket.

IT IS HEREBY ORDERED that:

1. Case Nos. 2009-00070, 2009-00085, and 2009-00086 are consolidated under Case No. 2009-00070.
2. The Executive Director shall serve copies of this Order upon the following:
 - a. Elizabeth and Alan Jones – 408 Third Street, Fulton, KY 42041.
 - b. Kimberly Dawn Jackson – 1011 W. State Lane, South Fulton, TN 38257.
 - c. J.H. and Melanie Atwill – 1677 State Route 781 South, Fulton, KY 42011.
 - d. Kymberly J. Kane – 4331 Mercedes Drive, South Fulton, TN 38257.
 - e. Ward and Nelda Bushart – 5645 Country Club Road, South Fulton, TN 38257.
 - f. NCB Realtors – 312 Lake Street, P.O. Box 1322, Fulton, KY 42041.
 - g. Robert Ward Bushart, II -- 5645 Country Club Road, South Fulton, TN 38257.

h. Tiffany Lynn Hobbs – 1308 Diuguid Drive, Murray, KY 42071.

3. a. The information requested herein is due within 20 days of the date of this Order. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and five copies to the Commission. Case No. 2009-00070 shall be referenced in the response.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

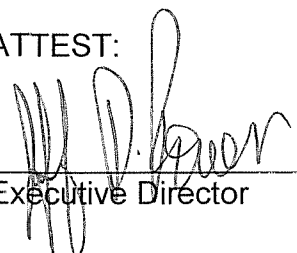
4. After receiving the responses from each person, the Commission shall determine, by separate Order, the next procedural steps for this proceeding. If any

person named within this Order fails to provide a response to the Commission within 20 days of the date of this Order, that person's complaint shall be dismissed from the Commission's docket, without prejudice.

By the Commission

ENTERED
JUN 16 2009 *al*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2009-00070
Case No. 2009-00085
Case No. 2009-00086

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NOS. 2009-00070, 2009-00085, AND 2009-00086 DATED **JUN 16 2009**

1. State your name and home address.
2. Name the types of telephone services that are the focus of your complaint (i.e., cellular telephone service and/or landline telephone service).
3. For the services named in the answer to Question No. 2, state whether each service is used primarily for business use, personal use, or home use.
4. For the services named in the answer to Question No. 2, provide the complete name of the company to whom you remit payment for services.
5. For the services named in the answer to Question No. 2, provide the telephone number(s) assigned to you for each service.
6. In relation to the 2009 Ice Storm, for the services named in the answer to Question No. 2, specifically state which days you were without use of the services or the days on which significant disruption to the services occurred. Provide details about the loss of service or the disruptions to service.
7. Specifically state the relief you are seeking in filing your complaint with the Kentucky Public Service Commission.
8. Provide any other information you believe to be relevant to your complaint.
9. Question No. 9 is to be answered only by the complainants who reside in the state of Tennessee.

a. State the percentage of time you spend in Kentucky per week wherein you either use or depend upon the availability of the services named in the answer to Question No. 2.

b. During the 2009 Ice Storm, list the Kentucky counties or cities to which you frequently traveled and either used or depended upon the availability of the services named in the answer to Question No. 2.

c. Have you filed a complaint against AT&T, Inc. with the Tennessee Regulatory Authority regarding telephone service outages or disruptions occurring during the 2009 Ice Storm? If so, what is the status of that complaint?

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