

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|-------------------------------|---|---------------------|
| TATYANA AND DONNA AUSTIN |) | |
| |) | |
| COMPLAINANTS |) | |
| V. |) | CASE NO. 2012-00424 |
| |) | |
| WINDSTREAM KENTUCKY EAST, LLC |) | |
| |) | |
| DEFENDANT |) | |

ORDER

On September 6, 2012, Complainants, Tatyana and Donna Austin, filed with the Commission a formal complaint (“Complaint”) against Windstream Kentucky East, LLC (“Windstream”). Complainants allege that they have had numerous, ongoing service issues with their phone and internet services, both provided by Windstream. Complainants requested, *inter alia*, that Windstream: (1) provide a three-month credit on their phone bill; and (2) repair their phone and internet service.¹ In its Answer, Windstream admitted that Complainants had reported numerous service issues between April 2012 and September 2012.² Windstream also stated that it had provided Complainants with three months of billing credit and was willing to provide an additional three months of billing credit as a sign of good faith to resolve the complaint.³ Windstream also requested that the Commission schedule an informal conference for

¹ Complaint at 2.

² Answer of Windstream (filed October 1, 2012) (“Answer”) at 1.

³ *Id.*

the purposes of determining whether Complainants were still experiencing service issues and identify any additional service issues.

Representatives from Windstream, Complainants, and Commission Staff participated in an informal conference on November 7, 2012. At the conference, Complainants stated that they had experienced no service outages since October 29, 2012, and reiterated their desire for additional credits on their bill. Representatives from Windstream stated that they believed that the problem with the Complainants' service had been identified and resolved. The parties agreed to continue to monitor the status of Complainants' service to confirm that the issues had been resolved. Windstream agreed to discuss with Complainants the issuing of additional bill credits and also agreed to file a status report advising the Commission of any further service issues.

On November 26, 2012, Windstream filed a status report ("November 26, 2012 Status Report") in which Windstream stated that Complainants had experienced one service outage on November 11, 2012, but otherwise the service was without incident. Windstream also stated that it had agreed to provide the Complainants with the six-month bill credit that had been requested at the informal conference.⁴ Windstream requested that the Commission continue to hold the matter in abeyance pending a Commission request for a subsequent status update.⁵

On March 1, 2013, the Commission issued an Order ("March 1, 2013 Order") directing Windstream to file a status update regarding any service issues with

⁴ Windstream's November 26, 2012 Status Report at 1.

⁵ *Id.* at 2.

Complainants' service. The March 1, 2013 Order also directed the Complainants to file a statement as to whether their complaint had been satisfied. On March 15, 2013, Windstream filed a status report ("March 15, 2013 Status Report") with the Commission reporting some service issues, but noting that the reports of service problems were not as frequent as before. Windstream reported that Complainants experienced internet service issues on December 9, 2012; January 17, 2013; February 25, 2013; March 5, 2013; and March 13, 2013. Windstream stated that it dispatched a technician in response to each of these reports, but, after investigation, could not determine the specific causes for the service issues.⁶ Complainants also reported telephone service issues on February 18, 2013. Windstream dispatched a technician to the Complainants' residence who determined that the service issues were not caused by Windstream's facilities.⁷

On June 28, 2013, the Commission issued an Order ("June 28, 2013 Order") directing Windstream to file with the Commission a status update documenting any service issues with Complainants' service since the filing of the last status update. In that same Order, the Commission also required the Complainants to file with the Commission a statement as to whether their complaint had been satisfied.

On July 12, 2013, Windstream filed a status report ("July 12, 2013 Status Report") in response to the Commission's June 28, 2013 Order. In the July 12, 2013 Status Report, Windstream notes that the Complainants reported issues with their internet service on March 17, 2013; May 1, 2013; June 17, 2013; and June 22, 2013.

⁶ Windstream's March 15, 2013 Staff Report at 1-2.

⁷ *Id.* at 2.

Windstream stated that it dispatched technicians to the Complainants' residence on each of these dates, and, after investigation, discovered no problems.⁸ Complainants also reported issues with their telephone service on June 24, 2013, and Windstream stated that it dispatched a technician to Complainants' residence. The technician replaced Complainants' line equipment at the remote location and tested the cable pair from the remote location to Complainants' house. The technician reported no problems with Complainants' line.⁹

Commission Staff, on October 8, 2013, issued requests for information to both Windstream and Complainants. Windstream filed its responses on October 25, 2013, and Complainants filed their responses on October 23, 2013. Both responses detailed issues relating to service and the type of equipment used to provide internet service.

On May 20, 2014, the Commission issued an Order ("May 20, 2014 Order") requiring Windstream to file a status update that documented any services issues and network upgrades performed since October 28, 2013, and Complainants to file a written statement as to whether the complaint had been satisfied. The Commission also noted in the May 20, 2014 Order that "[i]f there have been few or no more service problems, there is no compelling reason to keep this case on the Commission docket, particularly since Windstream satisfied Complainants' other requested relief."¹⁰

Complainants did not file a statement in response to the May 20, 2014 Order. Windstream filed its response on June 3, 2014 ("June 3, 2014 Status Report"). In its

⁸ Windstream's July 12, 2013 Status Report at 1-2.

⁹ *Id.* at 2.

¹⁰ May 20, 2014 Order at 1.

June 3, 2014 Status Report, Windstream noted that while there had been issues with internet service, the issues were less frequent since the filing of the responses to requests for information. Windstream received 12 complaints with regard to service during this period and claims to have resolved them in a timely manner. Windstream noted that three of these service issues were caused by vandals shooting out the lines servicing Complainants. Windstream repaired the damaged lines and ran an additional line to Complainants so that service would not be interrupted if a line was vandalized again.¹¹ Windstream listed several improvements to the system serving Complainants, including an addition of a fiber feed to the remote serving Complainants, completion of a new Asynchronous Transfer Mode (ATM) to Ethernet, and software upgrades to improve broadband speeds.¹²

DISCUSSION

The Commission notes that Complainants initially requested two specific items of relief: (1) a three-month billing credit; and (2) that Windstream repair the service issues. Windstream has satisfied the first portion of the requested relief by providing the six-month credit. Therefore, the remaining requested relief presents the Commission with two distinct service issues: (1) one relating to telephone voice service; and (2) the other relating to internet broadband service. The two issues are addressed separately below.

The Commission finds that Windstream has satisfied the issues relating to voice service that existed prior to the filing of the complaint. The record indicates that Complainants have only reported two instances of problems with voice service since the

¹¹ Windstream's June 3, 2014 Status Report at 1-2.

¹² *Id.* at 2.

filing of the Complaint. Such infrequent service issues indicate that Windstream has substantially rectified service conditions affecting the voice service.


Regarding the issues related to broadband service, the Commission finds that Windstream has satisfied the Complaint. The record reflects, and Windstream acknowledges, that Complainants have experienced numerous service quality issues relating to their broadband service and that the frequency of these issues has decreased. The record also reflects that Windstream has undertaken numerous measures to improve the broadband service, including the unusual step of installing an additional service line to Complainants' residence to prevent loss of service in the event of vandalism. The Commission can conclude that the record supports a finding that Windstream has satisfied the matters complained of for both voice and broadband service.

Complainants did not respond to the Commission's May 20, 2014 Order requesting more recent information on the quality of the voice and broadband service being provided by Windstream. The last correspondence received from complainants was almost two years ago on October 28, 2013. As indicated in Windstream's June 3, 2014 Status Report, Windstream has installed significant network upgrades to address the Complainants' service issues. Therefore, based on the evidence of record, the Commission finds that Windstream has satisfied the matters complained of for both voice and broadband service, and the Complaint should be dismissed as satisfied.

IT IS THEREFORE ORDERD that:

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

By the Commission

ENTERED 
AUG 17 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00424

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