

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JULIE ANN TAYLOR)	
)	CASE NO.
COMPLAINANT)	2007-00227
)	
V.)	
)	
AT&T, INC.)	
)	
DEFENDANT)	

O R D E R

On June 4, 2007, Julie Ann Taylor filed with the Commission a formal complaint against AT&T, Inc. ("AT&T"), disputing charges billed to her on May 3, 2007. The total bill of \$175.32 includes a 35-minute direct dialed international call to St. Georges, French Guiana in South America for \$142.80, as well as other charges and credits equaling \$20.18 and \$12.34 in taxes and surcharges. Ms. Taylor alleges that she is not an AT&T long-distance customer; however, she discovered that her minor son accrued the charges on March 27, 2007, by using her home telephone to call an adult entertainment company through AT&T's long-distance network, wherein her son entered special codes to make the international call.

BACKGROUND

Ms. Taylor first learned of the call after receiving a bill from AT&T and calling AT&T's customer service division to inquire about the charges. According to Ms. Taylor's complaint, after talking with a customer service representative, she was

informed by AT&T that it owns most entertainment phone lines which are available to non-AT&T customers when AT&T access codes are dialed. Ms. Taylor alleges that she was not aware that she could "block" international calls from being made from her home phone line and if she had known of that option, she would have done so prior to this incident.

In her complaint, Ms. Taylor is requesting that AT&T cancel her account, remove all charges related to the March 27, 2007 international call, and place a "block" against her telephone number so as to prevent future access to AT&T's long-distance service.

DISCUSSION

The Commission has jurisdiction over the rates and service of utilities providing service in this state. KRS 278.040(2). The Commission's jurisdiction extends to the investigation of rates and services of those utilities, with certain exceptions. See KRS 278.260 and KRS 278.040(2). However, the Commission's jurisdiction can also be preempted by the federal government. Pursuant to 47 U.S.C. § 152(a),¹ the Federal Communications Commission ("FCC") has jurisdiction over calls originating in Kentucky but terminating outside of Kentucky. Furthermore, the Communications Act of 1934, the act by which the FCC was created, attempts to divide the world of telephone regulation neatly into two separate components. Under section 1 of the Act, 47 U.S.C. § 151, the "FCC is empowered to regulate 'interstate and foreign commerce in wire and radio communication' while section 2(b) [of] 47 U.S.C. § 152(b), preserves the states'

¹ 47 U.S.C.A. § 152(a) provides, "The provisions of this chapter shall apply to all interstate and *foreign communication* by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received in the United States. . . ." (emphasis added).

power to regulate intrastate communication service.” Public Utility Comm’n of Texas v. Federal Communications Comm’n, et al., 886 F.2d 1325, 1329 (C.A.D.C., 1989).

A wireline telephone call between Kentucky and French Guiana aptly qualifies as a foreign communication. Having reviewed the complaint and having been sufficiently advised, the Commission finds that the complaint must be dismissed on jurisdictional grounds. This Commission is empowered to regulate intrastate telecommunications. KRS 278.010(3)(e). Ms. Taylor’s complaint concerns charges and fees stemming from an international call. A matter such as this falls squarely within the jurisdiction of the FCC in Washington, D.C.

IT IS THEREFORE ORDERED that this case is dismissed with prejudice and removed from the Commission’s docket.

Done at Frankfort, Kentucky, this 9th day of July, 2007.

By the Commission

ATTEST:


Executive Director