

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN M. LAWLOR)	
)	
COMPLAINANT)	
)	
v.)	CASE NO.
)	2000-090
AMERICA'S TELE-NETWORK CORPORATION)	
)	
DEFENDANT)	

O R D E R

On January 13, 2000, John M. Lawlor ("Complainant") filed a formal complaint alleging that America's Tele-Network Corporation ("ATN") had induced him to switch his long-distance carrier by offering Complainant a check for \$100 and that he had been charged rates different from those quoted to him by ATN. When Complainant contacted ATN about the check, ATN informed him that he must be a subscriber to ATN's service for 180 days before receiving the check. Complainant claims he did not know of the 180-day waiting period.

On March 13, 2000, the Commission issued an Order directing ATN to satisfy or answer the complaint within 10 days of receipt of the Order. ATN's response should have been filed no later than March 26, 2000. As of June 26, 2000, ATN had neither satisfied nor answered the complaint. Accordingly, it appeared that ATN had violated the Commission's Order of March 13, 2000 and was therefore subject to the penalties provided by KRS 278.990.

On June 30, 2000, the Commission entered an Order directing ATN to answer or satisfy the complaint within 10 days of the Order or the Commission would find for

Complainant and find ATN subject to penalties for violating KRS 278.990. On July, 11, 2000, ATN filed a motion for an extension of time in which to file its answer. The Commission granted the motion.

On August 28, 2000, ATN filed its answer to the Commission's Order. ATN claims it properly switched Complainant's long-distance service. Furthermore, ATN claims it adjusted Complainant's bill by deducting \$52.00 to reflect the difference between the rates Complainant received and the rates he thought he would receive.

On October 30, 2000, ATN filed a motion to dismiss, stating that it has offered Complainant checks for \$52.00 and \$160.67 to compensate him for the charges he claims to be excessive, together with the \$100 check initially offered. ATN also states that Complainant was notified by correspondence that he would have to wait 180 days before receiving his \$100 check.

The amount offered by ATN to Complainant constitutes the satisfaction Complainant has sought in this matter. Complainant states, however, that he wishes additional remedies. Specifically, Complainant wants the Commission to require that ATN use a clearer telemarketing script and that ATN send a copy of that script to new customers. However, broad remedies against ATN for allegedly inappropriate business practices are more properly handled by the Commission pursuant to its enforcement powers¹ rather than within a complaint proceeding. Such enforcement actions are currently ongoing.²

¹ See KRS 278.280.


² PSC Case Nos. 2000-217 and 2000-421, America's Tele-Network Corporation: Alleged Violation of KRS 278.535.

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

Done at Frankfort, Kentucky, this 22nd day of January, 2001.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas M. O'Donnell", written over a horizontal line.

Executive Director