

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STANLEY FAIR)	
)	
COMPLAINANT)	
)	
v.)	
)	CASE NO. 96-098
AT&T COMMUNICATIONS OF THE SOUTH)	
CENTRAL STATES, INC. AND BELL SOUTH)	
TELECOMMUNICATIONS, INC.)	
)	
DEFENDANTS)	

O R D E R

On March 26, 1996, Stanley Fair ("Complainant") filed a formal complaint against AT&T Communications of the South Central States, Inc. ("AT&T") and BellSouth Telecommunications, Inc. ("BellSouth"). The Complainant alleges that AT&T and BellSouth have erroneously billed him for long-distance telephone calls made by a third party using Complainant's telephone and another individual's credit card.

On April 4, 1996, AT&T filed its Answer to the Complaint. In its Answer, AT&T states, inter alia, that the calls in question were placed primarily to Montgomery, Alabama. In its Response and Motion to Dismiss, filed April 8, 1996, BellSouth admits that it is the billing and collecting agent for AT&T and that it merely billed Complainant on behalf of AT&T for the calls. For this reason, it asks to be dismissed from this action.

On June 13, 1996, AT&T filed its Answer to the Commission's May 8, 1996 Order requesting additional information. In the Answer, AT&T states that the telephone calls

that are the subject of this proceeding are interstate in nature, originating in Kentucky but terminating in another jurisdiction.


The Commission, having reviewed the evidence of record and being otherwise sufficiently advised, finds that the parties' dispute involves interstate long-distance telephone calls, subject to the jurisdiction of the Federal Communications Commission. Consequently, the Commission, whose jurisdiction is limited to intrastate long-distance calls, further finds that it lacks subject matter jurisdiction and should dismiss this case.

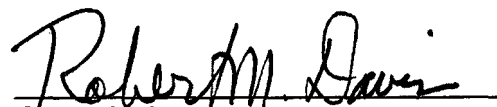
IT IS THEREFORE ORDERED that the case be and it hereby is dismissed with prejudice for lack of subject matter jurisdiction.

Done at Frankfort, Kentucky, this 2nd day of July, 1996.

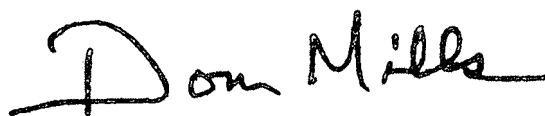
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director