

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BEECHER W. DAWS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 99-040
)	
TELECOM USA)	
)	
DEFENDANT)	

O R D E R

Beecher W. Daws (Complainant) filed a formal complaint against Telecom USA (Telecom) on February 2, 1999. The Complainant alleges that he was improperly billed for phone calls he did not make to Grenada and the Dominican Republic. Mr. Daws claims that there is an international call block and a 900 call block on his service which prevents such calls, and he refuses to pay the associated charges for the calls. The Complainant requests that the charges be removed from his bill and that he not be charged for such calls in the future.

Commission regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint sets forth sufficient facts to establish a prima facie case. A prima facie case exists when, taking the facts set forth in the complaint as true, the Complainant is entitled to the relief requested. The Daws complaint fails to establish a prima facie case.

The charges in dispute are for direct-dialed calls to Grenada and the Dominican Republic. Because they are international in nature, the calls are beyond the jurisdiction

of the Commission. Pursuant to the Telecommunications Act of 1934, exclusive jurisdiction over international calls belongs to the Federal Communications Commission. The Daws complaint, therefore, fails to state a prima facie case because, even if the allegations are true, the Commission is without jurisdiction to grant the relief requested.

IT IS THEREFORE ORDERED that the Daws complaint is dismissed for failure to state a prima facie case.

Done at Frankfort, Kentucky, this 8th day of February, 1999.

By the Commission

ATTEST:

Executive Director