

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHELE MORGAN AND J. DANIEL LANHAM	)	
	)	
COMPLAINANTS	)	
	)	
v.	)	CASE NO. 2000-125
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On March 6, 2000, the Complainants, Michele Morgan and J. Daniel Lanham, ("Complainants") filed a formal complaint against BellSouth Telecommunications Inc., ("BellSouth"). The Complainants alleged in their complaint that they had contacted BellSouth in December 1999 to request telephone service in their new residence. Complainants allege that BellSouth gave them two phone numbers and assured them that BellSouth would install the Complainants' service within two weeks of the Complainants' phone call requesting service. Complainants called BellSouth when the two-week period passed and BellSouth had not commenced Complainants' service. BellSouth told the Complainants that it would provide Complainants' service by January 14, 2000; BellSouth failed to do so and, when Complainants called back again, BellSouth told them they would provide Complainants' service no later than March 30, 2000. Complainants filed a formal complaint with the Commission petitioning the Commission to order BellSouth to commence their service immediately.

On March 21, 2000, the Commission ordered BellSouth to satisfy or answer the complaint. In its answer received by the Commission, BellSouth admitted that it had failed to provide Complainants' service by the promised December and January dates. However, BellSouth stated that it had installed service to Complainants on March 7, 2000.

BellSouth denies discriminatory practice in its installation of service to the Complainants. BellSouth claims that it installs service on a "first-come/first-serve" basis and that poor weather and an unduly large number of out-of-service customers caused the delay in the installation of Complainants' service. Additionally, BellSouth stated that it executed no service orders for similarly situated consumers that could be considered out of sequence in its "first-come/first-serve" processing of orders.

BellSouth also stated that, as a goodwill gesture, it has adjusted Complainants' bill with a two-month local service refund as well as a waiver of installation charges.

Having reviewed the evidence on record and being otherwise sufficiently advised, the Commission finds:

1. A hearing in this matter is not necessary in the public interest or for the protection of substantial rights, and this Complaint should be dismissed without a hearing.
2. BellSouth appears to have satisfied the complaint by providing service to the Complainants and the Complainants appear to have received the satisfaction for which they prayed.
3. BellSouth does not appear to have acted in a discriminatory manner in the installation of Complainants' service.

IT IS THEREFORE ORDERED that:

1. The complaint herein is dismissed with prejudice.
2. This case is closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 28<sup>th</sup> day of April, 2000.

By the Commission

ATTEST:

  
Executive Director