

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T COMMUNICATIONS OF THE	)	
SOUTH CENTRAL STATES, INC.	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO.
	)	2001-179
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On June 13, 2001, AT&T Communications of the South Central States, Inc. ("AT&T") filed a formal complaint against BellSouth Communications, Inc. ("BellSouth"). In the complaint, AT&T alleges that BellSouth's policies and procedures have resulted in AT&T's local customers having experienced "dead air"<sup>1</sup> problems and new customers having experienced lengthy delays in obtaining local service when ordered.<sup>2</sup> AT&T requests that the Commission take immediate action to investigate the cause of the problems described in the complaint. AT&T also requests that a member of Commission Staff be appointed to assist BellSouth and AT&T with such issues that may

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<sup>1</sup> Complaint at 4-6.

<sup>2</sup> Complaint at 6-7.

arise in the future that relate to the 1996 Telecommunications Act and other obligations of the parties.

On June 21, 2001, the Commission issued to BellSouth an Order to Satisfy or Answer. BellSouth filed its answer on July 3, 2001.

In its answer, BellSouth claims that it has satisfied the specific issues that gave rise to AT&T's complaint. Specifically, BellSouth claims that it resolved the "dead air" issue once AT&T properly reported it and that AT&T's errors caused the porting problems. BellSouth claims it discovered that AT&T was submitting the wrong codes and informed AT&T of this mistake.

Pursuant to 807 KAR 5:001, Section 12(5), upon a defendant's satisfaction of a complaint, no further proceedings are necessary. BellSouth has satisfied the specific complaints alleged by AT&T. Accordingly, this complaint should be dismissed.

Moreover, the Commission will not, at this time, assign a permanent staff monitor to observe the ongoing technical and business relationship of BellSouth and AT&T. Scarce administrative resources preclude such permanent assignment. Our dismissal of this complaint and refusal to assign a permanent staff monitor does not, however, indicate that we take lightly the problems described in the complaint, the answer, and the attachments to the pleadings in this case. AT&T's allegations concerning difficulty in obtaining BellSouth technicians to deal with problems on a timely basis – allegations which are disputed in this case by BellSouth – are of particular concern. Nevertheless, the sorts of problems described in the pleadings appear largely to be the unavoidable consequences of two carriers' implementation of new procedures dealing with interconnection and number porting. Thus, although we dismiss the complaint and deny

AT&T's request for permanent assignment of a Commission monitor, AT&T is advised that, if future problems arise, it may request, with proper notice to BellSouth, an inspection by a member of the Commission's engineering staff. Such requests should be made to the Commission's Executive Director and will be granted when personnel limitations permit.

IT IS THEREFORE ORDERED that the complaint is dismissed and that this case is closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 12<sup>th</sup> day of September, 2001.

By the Commission

ATTEST:

  
Executive Director