

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INTER MOUNTAIN CABLE, INC.	)	
D/B/A MTS COMMUNICATIONS	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2001-206
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

BellSouth Telecommunications, Inc. ("BellSouth") is hereby notified that it has been named as defendant in a formal complaint filed on June 6, 2001, a copy of which is attached hereto.

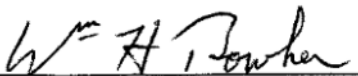
Pursuant to 807 KAR 5:001, Section 12, BellSouth is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 13<sup>th</sup> day of July, 2001.

By the Commission

ATTEST:

Deputy   
Executive Director

Before the Public Service Commission  
Of the State of Kentucky

**RECEIVED**

JUN 06 2001

PUBLIC SERVICE  
COMMISSION

Inter Mountain Cable, Inc )  
D/BA MTS Communications )  
vs. )  
BellSouth Communications )  
)  
)

No. 2001-206

COMPLAINT

The complaint of Inter Mountain Cable, Inc. d/b/a MTS Communications respectfully shows that BellSouth Communications has adopted a process for competing against its CLEC resellers that abuses its position as the wholesale provider of such services. Further, on the occasion described below, this plan resulted in an unauthorized change of a customer's local service lines from MTS Communications to BellSouth.

WHEREFORE, complainant asks the Commission to follow the leads of Florida, Alabama, and Georgia and determine if BellSouth's "win-back" promotion in the state of Kentucky is misleading CLECs' customers. Further, MTS respectfully requests that Commission require BellSouth to adopt and implement policies consistent with its contracts that require BellSouth to provide CLECs an opportunity to address and resolve allegations of LEC slamming prior to taking any actions on an allegedly "slammed" account. Lastly, with regard to the lines slammed to BellSouth in this complaint, MTS requests that BellSouth be required to pay MTS at a minimum its own tariffed slamming charges for its actions in this matter.

The facts of this case are stated here.

On April 25, 2001 Inter Mountain Cable d/b/a MTS Communications ("MTS") was contacted by Wes Blackburn, owner of two motorcycle dealerships in Prestonsburg, and Pikeville, KY. Mr. Blackburn ordered several telecommunications services from MTS that necessitated the conversion of his BellSouth business lines to MTS.

On May 1<sup>st</sup> and 7<sup>th</sup> MTS placed orders in BellSouth's Local Exchange Navigation System (LENS) to convert the BellSouth retail lines to MTS. The entire conversion process took several days and was completed on May 4<sup>th</sup> and May 7<sup>th</sup> according to LENS completion notices received by MTS's service representatives.

Between acknowledgement of the order completion and update of the actual service records of the customer reflecting the conversion of service, there is a time delay that, according to BellSouth representatives, can be as long as ten business days. Typically during this lag time MTS cannot do additional changes or updates to end user services without manual intervention by both MTS and BellSouth personnel.

It was during this transition period that a BellSouth sales representative contacted Mr. Bentley, manager at one of the retail locations, and indicated to him, according to Mr. Bentley's retelling of the incident, that the shop he managed "had been changed to a different provider" and that the sales representative would process an order to not only convert the customer back to BellSouth retail service but to place a LEC freeze on his account to prevent this type of activity again.

When Mr. Bentley subsequently contacted Mr. Blackburn, who in turn contacted MTS for assistance in getting his order completed to MTS as requested.

In an effort to prevent the unauthorized change back and disruption of the subscriber's service, MTS contacted its first three levels of the BellSouth escalation list and spoke with Kristy Segal. Ms. Segal verified in the BellSouth systems that no order to convert the customer had been processed and speculated that due to a change of internal policy<sup>1</sup>, it was possible that the order would not be completed. MTS agreed to take a "wait and see" approach with Ms. Segal's commitment to continue to monitor orders against this particular location.

On May 18<sup>th</sup> MTS received a fax (attached) indicating that MTS was accused of converting the line without authority and that the line had been converted back to BellSouth. At no time did BellSouth contact MTS to verify its possession of a signed authorization or any other authority to convert these lines

That same day, Ms. Segal contacted MTS indicating that she had also seen the order "come through" the systems and was working to determine how the customer could be moved without requiring written notices to BellSouth by MTS or the end user and the placement of - and payment for - additional service orders by MTS. On May 21<sup>st</sup> Ms. Segal indicated that BellSouth-initiated customer order had been cancelled and the account would remain with MTS.

While MTS is appreciative of the efforts by Ms. Segal, the actions taken by BellSouth cannot go unchallenged.

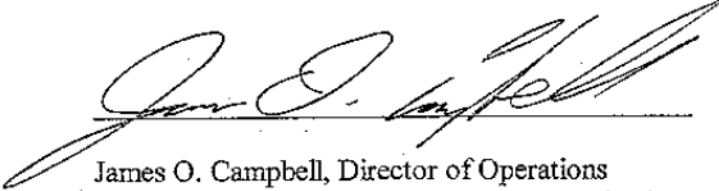
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<sup>1</sup> NECA *Washington Watch* newsletter reported on May 2 that BellSouth has suspended its "win-back" program in response to inquiries from state regulators in three states.

Under the auspices of its "win-back" program, BellSouth has adopted a policy that supports and encourages its employees to engage in LEC slamming actions that not only violates its own reseller contracts but are clearly contrary to even a basic understanding of "unfair competitive actions". This program is ripe for abuse and BellSouth cannot detach itself from any accountability by blaming its employees for exploiting its own flawed program.

MTS urges the Commission to follow the leads of Florida, Alabama, and Georgia and determine if BellSouth's "win-back" promotion in the state of Kentucky is misleading CLEC's customers. Further, MTS respectfully requests that Commission require BellSouth to adopt and implement policies consistent with its contracts that require BellSouth to provide CLECs an opportunity to address and resolve allegations of LEC slamming prior to taking any actions on an allegedly "slammed" account. Lastly, with regard to the lines slammed to BellSouth in this complaint, MTS requests that BellSouth be required to pay MTS at a minimum its own tariffed slamming charges for its actions in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James O. Campbell", is written over a horizontal line. The signature is fluid and cursive.

James O. Campbell, Director of Operations  
Inter-Mountain Cable d/b/a MTS Communications

Dated: June 4, 2001

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BellSouth  
P. O. Box 100170  
Columbia, SC 29202-3170

May 13, 2001  
(606)433-9716

**NOTICE TO:**

|||||  
**INTER MOUNTAIN CABLE  
INC DBA MIKROTEC COM  
P O BOX 159  
HAROLD KY 41635-0159**

We have received notification that the telephone account 606-433-9716 for HARLEY D was transferred to you in error. Consequently, effective on May 11, 2001, the account for this customer has been reestablished with the previous service provider.