

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO A BILLING)
DISPUTE BETWEEN DELTA) CASE NO. 2003-00243
PHONES, INC. AND BELL SOUTH)
TELECOMMUNICATIONS, INC.)

O R D E R

On June 24, 2003, the Commission initiated, pursuant to KRS 278.260(1), an investigation into the billing dispute between Delta Phones, Inc. (Delta Phones) and BellSouth Telecommunications, Inc. (BellSouth). Pursuant to that Order, Commission Staff met with BellSouth s and Delta Phones representatives to discuss this dispute. No issues were resolved at that conference. On July 3, 2003, the Commission ordered the parties to present any and all documents to support their claims regarding the billing dispute. To date, Delta Phones has presented no evidence to support its allegations that BellSouth knowingly and consistently issued inflated and inaccurate bills to Delta Phones. The Commission finds that, unless such evidence is presented no later than July 30, 2003, this case should be dismissed, and BellSouth should implement its tariffed emergency continuity procedures for Delta Phones customers.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. Delta Phones shall file, no later than July 30, 2003, any and all documents that support the allegations raised in the amended complaint filed with the Commission on July 8, 2003.

2. If Delta Phones fails to provide this documentation, this complaint shall be dismissed.

3. If Delta Phones provides documents to support the allegations raised in its amended complaint, the parties shall appear on August 13, 2003 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky to present evidence regarding this billing dispute. Specifically, the parties shall present evidence demonstrating the total amount required per month to serve Delta Phones' current Kentucky customers.

Done at Frankfort, Kentucky, this 21st day of July, 2003.

By the Commission

ATTEST:


Executive Director