

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). On July 3, 2003, the Commission ordered the parties to present any and all documents to support their claims regarding the billing dispute. Pursuant to that Order, BellSouth submitted numerous documents to support its contention that it correctly billed Delta Phones and that Delta Phones was delinquent in its payments to BellSouth. In stark contrast, the Commission found, on July 21, 2003, that Delta Phones had presented nothing to support its claim that BellSouth knowingly and consistently issued inflated and inaccurate bills to Delta Phones. On August 6, 2003, BellSouth filed a motion to dismiss the complaint and amended complaint filed by Delta Phones in this proceeding.

On July 30, 2003, Delta Phones filed with the Commission copies of its requests for bill adjustments filed with BellSouth. These billing adjustment requests include information regarding alleged billing disputes, but offer no evidence that BellSouth inaccurately billed Delta Phones. Instead, these documents merely echo the allegations

listed in Delta Phones complaint. Therefore, we find that the information presented by Delta Phones on July 30, 2003 does not support its claims of billing and provisioning abuse on the part of BellSouth. We further find that nothing presented by Delta Phones in this proceeding supports the allegations outlined in its complaint.

The Commission, having initiated this proceeding on its own motion to investigate the billing dispute between Delta Phones and BellSouth, and having found that there is no evidence that BellSouth knowingly and consistently issued inflated and inaccurate bills to Delta Phones, and being otherwise sufficiently advised, HEREBY ORDERS that:

1. The complaints filed by Delta Phones in this proceeding are dismissed.
2. BellSouth may implement its tariffed emergency continuity procedures for Delta Phones customers.
3. The Commission's investigation into the billing dispute between Delta Phones and BellSouth is closed, and the hearing scheduled for August 13, 2003 is cancelled.

Done at Frankfort, Kentucky, this 11th day of August, 2003.

By the Commission

ATTEST:


Executive Director