

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROY MILLER)	
)	CASE NO.
COMPLAINANT)	2004-00154
)	
v.)	
)	
CINGULAR WIRELESS)	
)	
DEFENDANT)	

O R D E R

On April 29, 2004, a formal complaint was filed by Roy Miller (“Complainant”) against BellSouth Mobility, LLC d/b/a Cingular Wireless (“Cingular”) alleging that Cingular was charging and billing excessive rates for mobile-to-mobile wireless calls. Complainant demanded a refund or credit to his bill.

An Order was issued for Cingular to satisfy or answer. After a delay for procedural matters, Cingular filed, on July 6, 2004, a Proposed Satisfaction of Complaint, stating that it had applied a credit of \$463.04 to Complainant’s March 7, 2004 bill.

After Complainant’s failure to file a written response to Cingular’s settlement, and after being advised by Commission Staff that a written response was necessary to determine whether Cingular’s settlement was acceptable to Complainant, an Order was issued on September 8, 2004. The Order stated that the complaint would be “dismissed as satisfied” if Complainant did not respond in writing within 15 days to state his

objection to dismissal of the complaint and dissatisfaction with the settlement amount of \$463.04. During this period of time, Complainant terminated his wireless service with Cingular.

On September 21, 2004, Complainant's written response was filed by mail. Complainant's formal complaint concerned only the month of March 2004. His letter in response stated, "...they need to look at the previous 2-3 months at the amount they had charged me." Commission Staff advised Cingular of Complainant's request, and Cingular advised that they would comply with the request. Commission Staff received no subsequent communication from Complainant or Cingular.

On January 11, 2005, Commission Staff mailed a letter to Complainant seeking a status report filed in writing with the Commission in order to determine the disposition of this case. No response was received. Approximately 10 days after the date of the letter, Commission Staff contacted Complainant by telephone. Complainant advised that Cingular had reviewed the back bills prior to March 2004, had discovered a mistake in billing that resulted in several excessive charges, and had issued and mailed to him a check representing a refund of excessive charges in the approximate sum of \$1,300.00. Complainant expressed full satisfaction of his formal complaint during the telephone conversation. Complainant was again advised to put this information in writing to the Commission. No response or communication has been received.

The Commission finds that Complainant has been sufficiently advised by written letter and direct communication of his responsibility to respond to the Commission in writing. Complainant's complaint has been satisfied by Cingular in the approximate sum of \$1,763.00.

Having been otherwise sufficiently advised, IT IS HEREBY ORDERED that Complainant's formal complaint has been satisfied by Cingular as hereinabove stated and the formal complaint is dismissed as satisfied and removed from the docket.

Done at Frankfort, Kentucky, this 28th day of April, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:



Executive Director