

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RONALD B. BLACKBURN)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2007-00027
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

On January 19, 2007, Ronald B. Blackburn filed a formal complaint against BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”), alleging that, as a result of the merger between AT&T, Inc. and BellSouth Telecommunications, Inc., it incorrectly removed a \$3.00 monthly discount from his bill, and asked that the Commission order AT&T Kentucky to reinstate the discount on his current and future bills.

AT&T Kentucky alleges that Mr. Blackburn lost his discount not because of the merger, but because he called the AT&T Kentucky business office and cancelled features that made his account eligible for the discount. AT&T Kentucky asserts that Mr. Blackburn received the discount under a promotion titled “Consumer Wireless Combined Bill Reward Offer” (“Combined Bill Reward”). The promotion was filed with the Commission on January 14, 2004. Under the terms of the Combined Bill Reward,

any customer who had a single flat rated residential line (“1FR”) and subscribed to two features was eligible for the discount.

According to AT&T Kentucky’s records, Mr. Blackburn has been a Cingular customer since 2002. His first combined bill appeared on his May 4, 2004 bill; he did not qualify for a discount at that time. Beginning in November 5, 2005, Mr. Blackburn received a 10 percent discount on his Cingular bill. The line item read “BS 10% Discount -\$3.00.” The description changed to “Combined Bill Disc” on Mr. Blackburn’s April 2006 bill. AT&T Kentucky records indicate that, at the time, Mr. Blackburn was receiving on his landline Call Waiting Deluxe and Caller ID Deluxe at no cost for one year because a BellSouth vendor had not provided Mr. Blackburn a quote that included taxes and mandated fees. AT&T Kentucky alleges that Mr. Blackburn was informed that he would only receive those features at no cost for one year. The addition of these two features qualified Mr. Blackburn for the discount.

AT&T Kentucky’s records indicate that Mr. Blackburn contacted AT&T Kentucky’s business office on December 8, 2006, and asked to remove the Call Waiting Deluxe and Caller ID Deluxe options from his landline account. AT&T Kentucky alleges that its records indicate that Mr. Blackburn was advised that, by removing the two features, he would no longer be eligible for the discount.

On or about December 8, 2006, Mr. Blackburn filed an informal complaint with Commission Staff. In response to the complaint, AT&T Kentucky contacted Mr. Blackburn and explained why the \$3.00 discount was removed from his bill. Mr. Blackburn allegedly advised AT&T Kentucky that he was not interested in adding the optional features back unless the features were provided for free in perpetuity;

AT&T Kentucky declined to do so. AT&T Kentucky did offer Mr. Blackburn a 30-day local service adjustment of \$43.34 on his account.

AT&T Kentucky claims that it made an additional offer of a \$36.00 adjustment to his bill, the equivalent of one year of the \$3.00 discount. Mr. Blackburn allegedly refused the offer and stated that he would withdraw the complaint if AT&T Kentucky would give him the two features he had cancelled for free for his lifetime or receive a \$3.00 lifetime credit on his Cingular Wireless service. AT&T Kentucky declined to make that offer.

Mr. Blackburn argues that the discount should still apply because the way the discount is titled, "Combined Bill Disc," indicates the discount is for combined billing and not for the ordering of bundled services. Mr. Blackburn argues that there was "[N]o written policy defining 'combined bill' vs 'bundled'" and that he believes "the real reason was [sic] merger with AT&T."¹ Mr. Blackburn claims that:

A very reasonable and common interpretation of the term 'combined bill discount' should be that it is a discount provided because the Cingular wireless bill was combined with the Bellsouth residential bill, especially since the two companies had not yet been integrated under AT&T at that time.²

Mr. Blackburn claims that, subsequent to the filing of the complaint, AT&T Kentucky offered him the \$3.00 discount through December 2007. Mr. Blackburn states that he accepted the discount as an "interim resolution to the subject complaint."³

¹ Complaint at 2.

² Response at 2. (Emphasis original.)

³ Response at 2.

Mr. Blackburn continues to demand that he receive the \$3.00 discount as long as he maintains his current residential line and wireless service.

DISCUSSION

Mr. Blackburn requests a discount for which he is simply not eligible. Mr. Blackburn originally received the discount because he maintained two advanced calling features (which he received for free for a period of time) while combining his bill for wireless service with his residential landline. AT&T Kentucky provided Mr. Blackburn with the discount in accordance with a promotion that has been on file with the Commission since December 18, 2003. The requirements for the "Consumer Wireless Combined Bill Reward Offer"⁴ specified that the customer maintain 1FR plus two features on his landline as well as have an active Cingular Wireless account. Mr. Blackburn had an active Cingular Wireless account and also received Call Waiting Deluxe and Caller ID Deluxe at no charge for over a year. At the point when he received the Call Waiting Deluxe and Caller ID Deluxe, he qualified for the discount. At the moment he discontinued the Call Waiting Deluxe and Caller ID Deluxe, by the terms of the promotion, he no longer qualified for the discount. Mr. Blackburn's complaint, therefore, is without merit.

The Commission also notes that AT&T Kentucky extended to Mr. Blackburn credits on several occasions that other customers do not regularly receive. Most strikingly, Mr. Blackburn received Call Waiting Deluxe and Caller ID Deluxe for free for a year. Additionally Mr. Blackburn received a \$36.00 credit upon the filing of his

⁴ This promotion was initially filed on December 18, 2003, and was subsequently renewed on January 14, 2004; January 6, 2005 (when it was renamed the "Consumer Combined Bill Reward Promotion"); and March 31, 2005.

complaint. It appears that AT&T Kentucky acted reasonably in addressing Mr. Blackburn's concerns.⁵

Based on the foregoing, IT IS THEREFORE ORDERED that this complaint is dismissed with prejudice and removed from the Commission's active docket.

Done at Frankfort, Kentucky, this 1st day of August, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director

⁵ Records maintained by the Consumer Services Division of the Commission also indicate that Mr. Blackburn received a good will local service adjustment of \$43.34 on or about December 11, 2006.