

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRIC AND WATER PLANT BOARD OF THE CITY OF FRANKFORT, KENTUCKY)	
)	
)	CASE NO.
COMPLAINANT)	2007-00088
V.)	
)	
AT&T, INC.)	
)	
DEFENDANT)	

O R D E R

On February 28, 2007, the Electric and Water Plant Board of the City of Frankfort (“Frankfort Plant Board”) filed a formal complaint against AT&T, Inc. (“AT&T”), alleging that AT&T had refused to pay Frankfort Plant Board’s intrastate switched access tariff rates. Frankfort Plant Board states that it charges all of its customers for switched access services pursuant to its Kentucky P.S.C. Tariff No. 2.¹ Based on services provided pursuant to the tariff, Frankfort Plant Board contends AT&T owes approximately \$78,545.64 in rate charges.

On March 15, 2007, AT&T notified the Commission, by letter, that AT&T and Frankfort Plant Board were in settlement negotiations and both parties believed there was a possibility of reaching a resolution. AT&T requested that the matter be held in

¹ See Frankfort Plant Board’s Kentucky P.S.C. Tariff No. 2, Local Switching Section 3.4.4.

abeyance while the negotiations continued and stated that the parties would file a status report in 30 days to notify the Commission of their progress. By Order, dated March 27, 2007, the Commission granted the request for abeyance and required AT&T to notify the Commission, in writing, on the status of settlement negotiations.

On April 26, 2007, AT&T submitted a letter and an Agreed Order of Dismissal ("Agreed Order"), signed by AT&T and the Frankfort Plant Board, stating that the parties had reached settlement on the issues that were the subject of the case. In the Agreed Order, the parties requested dismissal of the complaint.

Having reviewed the record, specifically the Agreed Order, and being otherwise sufficiently advised, the Commission finds that the request for dismissal of the complaint should be granted.

IT IS THEREFORE ORDERED that:

1. The February 28, 2007 complaint in Case No. 2007-00088, as filed by the Frankfort Plant Board, is dismissed.
2. This matter is closed and shall be removed from the Commission's docket.
3. This order is final and appealable.

Done at Frankfort, Kentucky, this 2nd day of May, 2007.

By the Commission

ATTEST:



Executive Director