

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|------------------------------------|---|---------------------|
| BLC MANAGEMENT, LLC D/B/A ANGLES |) | |
| COMMUNICATION SOLUTIONS |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| V. |) | CASE NO. 2007-00262 |
| |) | |
| BELLSOUTH TELECOMMUNICATIONS, INC. |) | |
| D/B/A AT&T KENTUCKY |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

On June 26, 2007, BLC Management, LLC d/b/a Angles Communication Solutions ("Angles") filed a formal complaint against BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T") alleging that AT&T was attempting to wrongfully collect disputed billings for Angles' purchase of wholesale service from AT&T. Angles stated that, since February 2007, the parties had been before the Tennessee Regulatory Authority ("TRA") trying to mediate or litigate the dispute. Angles alleged that since August 2006, it had remained current on all undisputed bills owed to AT&T and requested that the Commission order the parties to maintain the status quo pending the outcome of Angles' complaint in Tennessee and as long as Angles remained current on its undisputed bills.

In its response, AT&T alleged that, because mediation had failed, it had requested that the TRA empower a hearing officer to resolve the parties' dispute in Tennessee. AT&T denied that Angles had paid all undisputed charges since June 2006 and requested that the Commission: (1) deny all relief sought; (2) require Angles to immediately pay AT&T all undisputed amounts owed on its Kentucky accounts; (3) require Angles to immediately pay into escrow all disputed amounts owed on its Kentucky accounts pending resolution of the complaint; and (4) authorize AT&T to terminate service to Angles if Angles failed to pay undisputed amounts.

After reviewing Angles' complaint and AT&T's answer, the Commission entered an Order on September 7, 2007 concluding that:

Upon further review of Angles' complaint and the filings in the TRA case, it does not appear that Angles' complaint states a claim upon which relief may be based. While a legitimate billing dispute may exist between Angles and AT&T in Kentucky, the specifics of the dispute cannot be discerned from the complaint. Accordingly, the Commission finds Angles' complaint should be dismissed. However, the Commission also finds that Angles shall have an opportunity to amend its complaint to state a claim upon which relief may be based.¹

The Commission ordered that: (1) no later than 15 days from the entry of the September 7, 2007 Order, Angles could file an amended complaint stating a claim upon which relief may be based; and (2) if an amended complaint was not filed, the complaint would be dismissed without prejudice and removed from the Commission's docket.

The latest date on which Angles could file its amended complaint was September 24, 2007. As of the date of this Order, Angles has made no filings with the

¹ September 7, 2007 Order at 4.

Commission. Accordingly, pursuant to the terms of the September 7, 2007 Order in this case, the Commission HEREBY ORDERS that Angles' complaint is dismissed without prejudice and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 25th day of October, 2007.

By the Commission

Commissioner Clark Abstains.

ATTEST:



Executive Director