

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT S. STROTHER	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2007-00415
	)	
AT&T COMMUNICATIONS OF THE	)	
SOUTH CENTRAL STATES, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On September 13, 2007, Robert S. Strother ("Complainant") filed with the Commission a formal complaint against AT&T Communications of the South Central States, Inc. ("AT&T"), alleging that AT&T overcharged his law firm's long-distance telephone service over a 6-year period. Complainant seeks both compensatory and punitive damages.

AT&T filed its answer to the complaint on November 8, 2007, and, as part of its fifth affirmative defense, moved the Commission to dismiss the complaint. The Commission will treat this affirmative defense as a motion to dismiss. AT&T contends that the complaint fails to state a claim upon which the Commission may grant relief; the complaint is barred by any AT&T tariffs duly filed with and approved by the Commission; and the complaint is time-barred by the applicable AT&T Communications Services Agreement.

Complainant may file with the Commission, within 15 days of the date of this Order, a written response to AT&T's motion to dismiss, addressing the issues raised therein. If Complainant does not file a response, the matter will stand submitted on AT&T's motion to dismiss. AT&T may file its reply, if any, no later than 10 days thereafter.

IT IS THEREFORE ORDERED that:

1. Complainant is authorized to submit, within 15 days of the date of this Order, a written response to AT&T's motion to dismiss.
2. Any reply to Complainant's response shall be filed no later than 10 days thereafter.

Done at Frankfort, Kentucky, this 21<sup>st</sup> day of November, 2007.

By the Commission

ATTEST:



Executive Director