

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SHIRLEY J. DAY)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2007-00552
)	
AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
)	
DEFENDANT)	

O R D E R

On December 6, 2007, Shirley J. Day filed a formal complaint with the Commission against AT&T Communications of the South Central States, Inc. ("AT&T") alleging, among other things, that AT&T wrongfully considered her a long-distance customer and erroneously billed her for long-distance charges she never incurred. On January 17, 2008, AT&T answered the complaint and moved the Commission for dismissal, claiming that it had satisfied the complaint.

BACKGROUND

Ms. Day established phone service at her residence in February of 2002. She alleges that at this time she elected not to have a long-distance carrier and to use prepaid calling cards to make long-distance calls. In 2004, she received a charge from AT&T for long-distance charges on her local phone bill. Ms. Day claims that, in her attempts to contact AT&T to dispute the charges, she was subject to lengthy delays

before she was able to talk to a person in authority. The charges were ultimately removed.

In September 2007, another AT&T long-distance charge appeared on her local service bill. Ms. Day paid the charge for local service only, because she assumed that the long-distance charge was a billing error.

In October 2007, Ms. Day received another bill for long-distance service from AT&T which was accompanied by a delinquent notice for her unpaid September 2007 bill. Ms. Day asserts that she then tried on three occasions to contact AT&T to dispute the bill, but was routed to a call center in Mumbai, India (formerly Bombay) where nobody was able to address her issue or resolve it.

Ms. Day claims that the one time she received a response from AT&T actually addressing her problem was after she had contacted the Commission's Consumer Services Division. In its response to Ms. Day, AT&T claimed that she had been a long-distance customer since 2002. According to Ms. Day, AT&T informed her that she was still responsible for her long-distance charges. The AT&T representative purportedly informed Ms. Day that AT&T had no record of her ever requesting to be a customer of AT&T, that AT&T's records did indicate that she had called in 2004 claiming that she was not an AT&T customer, and that AT&T had removed the monthly charge.

Ms. Day requests that: (1) the AT&T long-distance charges be dropped; (2) no representative of AT&T is allowed to solicit her; (3) the records of AT&T indicate that she is not now, or ever will be, a customer of AT&T for long-distance service.

AT&T asserts that the charges for long-distance service were appropriately billed. However, AT&T claims that, as a matter of goodwill, it has provided a complete

adjustment of Ms. Day's account, leaving a zero balance. AT&T also asserts that on or about January 10 and January 16, 2008, it added Ms. Day's phone number to its internal "Do Not Call" lists. AT&T claims that these measures will ensure that Ms. Day receives no more solicitations for AT&T long-distance service. AT&T moves the Commission to dismiss Ms. Day's complaint as satisfied.

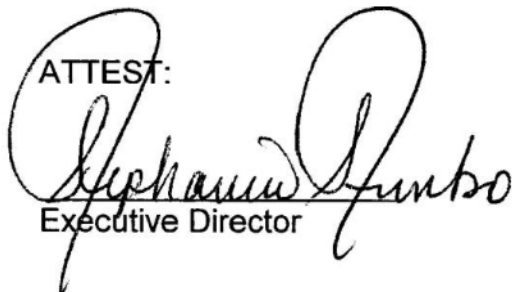
Pursuant to 807 KAR 5:001, Section 12(5), after an offer of satisfaction by a defendant, a complainant's acceptance of the offer, and the Commission's approval, no further proceedings are necessary. It appears from AT&T's answer that the complaint has been satisfied. As of the date of this Order, the Commission has received nothing from Ms. Day to indicate whether or not she is satisfied.

IT IS THEREFORE ORDERED that:

1. Within 20 days of the date of this Order, Ms. Day may inform the Commission, in writing, whether or not AT&T has satisfied her complaint.
2. If no such filing is received from Ms. Day within 20 days of the date of this Order, the complaint shall be dismissed as satisfied and this case shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 25th day of March, 2008.

By the Commission

ATTEST:

Executive Director