COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ASSOCIATES IN DERMATOLOGY, PLLC) COMPLAINANT) V.) CASE NO. 2019-00047 BELLSOUTH TELECOMMUNICATIONS, LLC) DEFENDANT)

<u>ORDER</u>

This matter arises from a complaint filed by Associates in Dermatology, PLLC, (Associates in Dermatology) against Bellsouth Telecommunications, LLC, dba AT&T Kentucky (AT&T Kentucky) alleging that it was overbilled and billed on accounts that were or should have been terminated; and that AT&T Kentucky's customer service representatives were not responsive to its questions and concerns. On August 4, 2020, after significant discovery in this matter and the briefing of jurisdictional and arbitration issues, AT&T Kentucky and Associates in Dermatology filed a joint motion notifying the Commission that they entered into an Agreement of Settlement and Full Mutual Release resolving all claims between them and requesting that the Commission dismiss the complaint and this action with prejudice.

The Commission observes that the relief requested by Associates in Dermatology in this matter was specific to its accounts.¹ There were also questions regarding whether

¹ See Complaint at 4.

the Commission had jurisdiction over some or all of claims made herein pursuant to KRS Chapter 278² and the effect of an arbitration agreement; and Associates in Dermatology filed a parallel arbitration action asserting the same or similar claims in the event the Commission determined that it did not have jurisdiction over the claims made herein.³ Thus, the Commission finds that it is reasonable to dismiss this matter with prejudice based on the parties settlement but affirmatively states that such dismissal shall have no bearing on the authority of the Commission to address similar claims in the future or to otherwise, on its own motion, investigate any action of AT&T Kentucky to the extent allowed by KRS Chapter 278 or other applicable statutes and regulations.

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky and Associates in Dermatology's motion to dismiss is granted.

2. Associates in Dermatology's complaint and this action is dismissed with prejudice.

3. This Order shall not be construed as making any finding with respect to the Commission's jurisdiction over the substantive claims asserted in this matter or the effect, if any, of the arbitration agreement.

4. This case is closed and removed from the Commission's docket.

² See Order (Ky. PSC Dec. 3, 2019).

³ See Bellsouth Telecommunications, LLC, dba AT&T Kentucky's Supplemental Motion to Dismiss (filed Apr. 24, 2020); Associates in Dermatology's Response to Bellsouth Telecommunications, LLC dba AT&T Kentucky's Supplemental Motion to Dismiss (filed May 1, 2020).

By the Commission



ATTEST:

Acting Executive Director

Case No. 2019-00047

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