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Case Management System - KY Public Service Commission

Regular Cases Before the Commission as of September 12, 2026

2010-00447 RECEIVED: 11/16/10 FILED: 11/16/10 FINAL: 06/13/12 REOPENED: 05/25/12
SUSPENSION DATE:

CASE NATURE: Dana Bowers, Complainant; Windstream Kentucky East, LLC, Defendant

CASE CODE
Complaints - Rates

HEARINGS:
01/11/11 Informal Conference

INDEX OF EVENTS:

06/13/12	Order entered; nunc pro tunc, that: 1. Footnote 8 of the May 4, 2012 Order is amended to read as follows: It is undisputed that Ms. Bowers receives nonbasic services. Windstream admits that the service she receives, “Feature Pack A,” was included in pre-July 12? 2006 tariffs on file with the Commission. (Weeks Direct testimony pp.8-9.) 2. The second paragraph on page 17 of the May 4, 2012 Order is amended to read as follows: For the first issue, we agree with the FCC in Irwin Wallace that a surcharge to recover a tax must be filed in a tariff before a utility can recover the charge. However, we add the caveat that this requirement applies only to basic services and nonbasic services that are in tariffs filed with the Commission prior to July 12, 2006. If a utility files a subsequent tariff for nonbasic services, or does not maintain tariffs for nonbasic services with the PSC then the surcharge need not be tariffed.
05/25/12	Petitioner Dana Bowers' Motion to Amend Order Nunc Pro Tunc
05/04/12	Final Order Entered: (1) Telecommunication carriers in Kentucky that seek to recover the gross revenues tax on basic services via a surcharge must file the surcharge in their basic services tariff on file with the Commission. (2) Telecommunication carriers in Kentucky that seek to recover the gross revenues tax on nonbasic services via a surcharge must file the surcharge in those tariffs if the nonbasic services were on file with the Commission prior to July 12, 2006. (3) Windstream’s tariff language in Windstream’s Tariff Number 7, Section S2.4.5(c) does not allow it to recover the costs of the gross revenues tax from the consumer as a separate surcharge.
11/08/11	Windstream East's Notice of Filing in Support of Its Motion to Reconsider Order
10/13/11	Petitioner's Notice of Class Certification by Federal Court
10/04/11	Notice of Summary of Judgment Decision by Federal Court
09/16/11	Letter to C. Kent Hatfield granting Dana Bower's petition for confidentiality filed 9/15/11 for protection of certain information
09/15/11	Dan Bower's Motion for Confidential Treatment
09/06/11	Reply Brief of Petitioner
09/06/11	Response Brief of Windstream KY East, LLC
08/30/11	Initial Brief of Windstream Kentucky East, LLC
08/29/11	Brief of Petitioner Dana Bowers
08/18/11	Order Entered: 1. Windstream’s motion is granted. 2. Initial briefs are to be filed no later than August 29, 2011 3. Reply Briefs are to be filed no later than September 6, 2011.
08/16/11	Petitioner's Response to Windstream's Motion for Extension of Time
08/12/11	Windstream Kentucky East's Motion for Extension of Time To File Briefs
08/11/11	Order Entered: (1) Windstream's motion for a hearing is denied. (2) The parties shall simultaneously file briefs no later than ten days from the date of entry of this Order. (3) the parties shall simultaneously file reply briefs within five days of filing of the initial briefs.
07/29/11	Letter to C. Kent Hatfield granting Dana Bowers' petition for confidentiality filed 6/24/11 for protection of certain information
07/29/11	Letter to Mark Overstreet granting Windstream's petition for confidentiality filed 6/10/11 for protection of certain information
07/25/11	Bowers letter to expedite
07/22/11	Petitioner Requests Commission to Expedite Case
07/11/11	Petitioner's Response to Request for Hearing
07/01/11	Windstream KY East's Request for a Hearing

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06/24/11	Petitioner's Objections to Windstream's Testimony, Motion for Confidential Treatment and Rebuttal Testimony and Materials
06/24/11	Windstream Kentucky East's Rebuttal Testimony of Stephen Weeks
06/14/11	Dana A. Bowers Verification Page
06/10/11	Windstream East's Motion for Confidential Treatment and Weeks Testimony
06/10/11	Testimony of Dana A. Bowers with Verification Form
05/31/11	Dana Bowers Response to Windstream KY East's Requests for Admission and Data Requests
05/13/11	Windstream KY East's Requests for Admission and Data Requests to Dana Bowers
05/12/11	Order entered: 1. Windstream’s motion is granted. Ms. Bower’s motion is denied in part and granted in part. The parties shall follow the schedule attached as Appendix A to this Order.
04/29/11	Windstream's Response to Commission Staff's 040811 Order
04/28/11	Windstream Kentucky East's Reply in Support of Motion and Response to Petitioner's Cross Motion
04/26/11	Petitioner's Response to Windstream East's Motion
04/21/11	Windstream Kentucky East's Motion to Amend Procedural Schedule
04/08/11	Order Entered: (1) Ms. Bowers' motion is denied. (2) Windstream's motion is granted in part and denied in part. (3) The parties shall follow the schedule attached as the Appendix to this Order.
01/28/11	Motion for procedural schedule consisting of Briefing only
01/28/11	Windstream East's Motion for Entry of a Proposed Scheduling Order Setting Deadlines
01/25/11	Memorandum dated 1/25/11 for Informal Conference of 1/11/11; Comments, if any, due within five days of receipt
01/24/11	Windstream Kentucky East, LLC's notice of receipt of Dana Bowers letter and intent to file response on January 28, 2011
01/24/11	Letter to Stites & Harbison Re: Windstream Tariffs and Intent to File Procedural Motion on or before 012811 from Stoll Keenon Ogden
12/17/10	Windstream Kentucky East's Answer to Complaint of Dana Bowers
12/01/10	Order Entered: (1) Windstream's motion for an extension of time in which to file an answer to Complainant's petition is granted. (2) Windstream's answer is due no later than December 17, 2010.
11/23/10	Motion for Extension of Time in Which to Answer Complainant's Petition
11/22/10	Order Entered: (1) Pursuant to 807 KAR 5:001, Section 12, Windstream shall file a written answer to the complaint within 10 days of the date of service of this Order. (2) Commission Staff shall hold a telephonic informal conference in this matter on January 11, 2011 at 11:00 a.m., Eastern Standard Time, at the Commission’s offices at 211 Sower Boulevard, Frankfort, Kentucky. To participate in the informal conference, the parties to this matter should call (502) 564-3940 and ask to be connected to bridge number 7099. (3) Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record. (4) In addition to the named parties, the Executive Director shall serve a copy of this Order upon the following: Hon. Mark Overstreet, Stites & Harbison, PLLC, 421 West Main Street, P.O. Box 634, Frankfort, KY 40602; and Han. Joseph Hamilton Hon. Marjorie Farris, Stites & Harbison, PLLC, 400 West Market Street, Suite 1800, Louisville, KY 40202
11/17/10	Acknowledge Receipt of Filing
11/17/10	Dana Bowers, Complainant vs. Windstream Kentucky East, LLC, Defendant

Total Number of Cases: 1