

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOE PAUL SMITH

COMPLAINANT

v.

SOUTH CENTRAL BELL TELEPHONE COMPANY

DEFENDANT

CASE NO. 94-277

ORDER TO SATISFY OR ANSWER

South Central Bell Telephone Company ("South Central Bell") is hereby notified that it has been named as defendant in a formal complaint filed on July 22, 1994, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, South Central Bell is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

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.

Done at Frankfort, Kentucky, this 1st day of August, 1994.

ATTEST:

Don Mills
Executive Director

PUBLIC SERVICE COMMISSION

Robert M. Davis
Chairman

Linda K. Broadbent
Vice Chairman

Linda K. Broadbent
Commissioner

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUL 23 1994
PUBLIC SERVICE
COMMISSION

In the Matter of:

JOE PAUL SMITH)
(Your Full Name))
COMPLAINANT)
VS.)
SOUTH CENTRAL POWER)
(Name of Utility))
DEFENDANT)

94-277

C O M P L A I N T

The complaint of JOE PAUL SMITH respectfully shows:
(Your Full Name)

(a) JOE PAUL SMITH
(Your Full Name)

2000 W. 10TH ST., CINCINNATI, OH 45219
(Your Address)

(b) SOUTH CENTRAL POWER
(Name of Utility)

P.O. BOX 10071, CINCINNATI, OH 45219
(Address of Utility)

(c) That: South Central Power has failed to keep their lines serviced up to
(Describe here, attaching additional sheets if

date in the above check items, this complaint, and, if and where
necessary, the specific act, fully and clearly, or facts

the complaint. (The complaint should be supported by facts and law regarding
that are the reason and basis for the complaint.)

Formal Complaint

(Your Name) VS _____
(Utility Name)

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Wherefore, complainant asks _____
(Specifically state the

_____ relief desired.)

Dated at _____, Kentucky, this _____ day
(Your City)

of _____, 19____.
(Month)



(Your Signature)

(Name and address of attorney, if any)

purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 12. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 15(1))

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint

does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 15(2))

Section 13. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the

(Name of each complainant)

(Name and address of attorney, if any)

(3) Form of answer to formal complaint.

Before the Public Service Commission

(Insert name of)
complainant))
 COMPLAINANT)
) No. _____
) (To be inserted
) by the secretary)
)
(Insert name of each)
defendant))
 DEFENDANT)

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

That (here follow specific denials of such material, allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)

(4) Form of application.

Before the Public Service Commission

In the matter of the)
application of (here)
insert name of each) No. _____
applicant) for (here insert) (To be inserted
desired order, authorization,) by the secretary)
permission or certificate.)
thus: "Order authorizing)
issue of stocks and bonds")

APPLICATION

The petition of (here insert name of each applicant) respectfully shows: