

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VICKIE L. MCDOWELL)
)
COMPLAINANT)
)
v.) CASE NO. 96-194
)
EXCEL TELECOMMUNICATIONS, INC.)
)
DEFENDANT)

ORDER TO SATISFY OR ANSWER

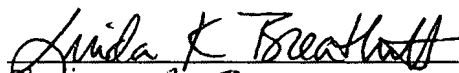
Excel Telecommunications, Inc. ("Excel") is hereby notified that it has been named as defendant in a formal complaint filed on May 7, 1996, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Excel 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.

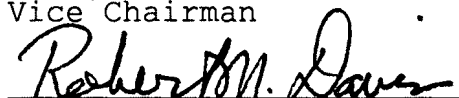
Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 22nd day of May, 1996.

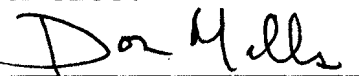
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VICKIE L. MCDOWELL)
(Your Full Name))
COMPLAINANT)
VS.)
EXCEL TELECOMMUNICATIONS, INC.)
(Name of Utility))
DEFENDANT)

RECEIVED
96-194 MAY 07 1996
PUBLIC SERVICE
COMMISSION

C O M P L A I N T

The complaint of VICKIE L. MCDOWELL respectfully shows:
(Your Full Name)

(a) VICKIE L. MCDOWELL
(Your Full Name)

390 B.F. BROWN RD., MAGNOLIA, KY 42757
(Your Address)

(b) EXCEL TELECOMMUNICATIONS, INC.
(Name of Utility)

9101 LBJ FREEWAY, SUITE 800, DALLAS, TX 75243
(Address of Utility)

(c) That: SEE ATTACHED
(Describe here, attaching additional sheets if

necessary, the specific act, fully and clearly, or facts

that are the reason and basis for the complaint.)

In March, 1995, I switched long distant carriers, from AT&T to Excel Telecommunications, Inc. After switching carriers, I noticed the time of my long distance calls on the telephone bills were incorrect. It showed the calls being made an hour earlier than the actual time they were made. This discrepancy would have gone unnoticed, but my finance' lives in Missouri. I always wait until after 11:00 p.m. to receive the night rates. The telephone bills showed the calls being made at 10:00 p.m. not 11:00 p.m.

I immediately called my local telephone company, South Central Rural Telephone Cooperative and explained the situation. South Central is located in Glasgow, Kentucky which is in the Central Time Zone. The Coop covers a large area and a small portion of their service area is in the Eastern Time Zone. Thus, South Central has exchanges in two different time zones. My exchange is in the Eastern Time Zone. I was told the the "Switch" for South Central Rural is in Horse Cave, Kentucky which is in the Central Time Zone. South Central rates and bills for AT&T. Realizing there is a time difference, they make the appropriate time adjustment for the exchanges they serve which are located in the Eastern Time Zone. Therefore, the long distance calls reflected the correct time on my telephone bill when AT&T was my long distance carrier. I was told that I would need to contact my new long distance carrier, Excel Telecommunications.

I spoke several times with representatives from Excel Telecommunications and was told this was a problem which needed to be addressed by my local telephone company. By this time I felt like I was getting the run around. After talking with numerous Excel customer service representatives over a period of time, each time having to explain the situation, I was finally passed on to Carolyn Speaks, a customer service supervisor. We spoke on several occasions, each time she was to check with an engineer or "someone higher" and would get back in touch with me. The last time I called her, I was told there was nothing that Excel could do.

I have now been with Excel Telecommunications for over a year, and the problem has yet to be resolved. Telephone bills should reflect the correct time the call is made, regardless of where the switch is located. Not receiving the night rate has made a sizeable difference in my telephone bills over the last 13 months, and feel this should be adjusted accordingly.

Formal Complaint

VICKIE L. MCDOWELL VS EXCEL TELECOMMUNICATIONS, INC.
(Your Name) (Utility Name)

Page 2

SEE ATTACHED

Wherefore, complainant asks THAT THE TIME DISCREPANCY BE
(Specifically state the

CORRECTED AND RATES ON PREVIOUS TELEPHONE BILLS BE ADJUSTED
relief desired.)

ACCORDINGLY.

Dated at MAGNOLIA, Kentucky, this 6TH day
(Your City)

of MAY, 1996.
(Month)

Vickie L. McDowell
(Your Signature)

(Name and address of attorney, if any)

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(i))

(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 15. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
 - (b) Answer.
 - (c) Application.
 - (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.

Before the Public Service Commission

(Insert name of complainant))
VICKIE L. COMPLAINANT)
MCDOWELL) No. _____
vs.) (To be inserted
) by the secretary)
(Insert name of each defendant))
EXCEL DEFENDANT)
TELECOMMUNICATIONS, INC.)
COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____
av of _____ 19 _____

VICKIE L. MCDOWELL

(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))	
VICKIE L.)	COMPLAINANT
MCDOWELL)	No. _____
vs.)	(To be inserted
)	by the secretary)
)	
(Insert name of each)	
defendant))	
EXCEL)	DEFENDANT
TELECOMMUNICATIONS, INC.)	
		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).

EXCEL TELECOMMUNICATIONS, INC.

(Name of defendant)

(Name and address of attorney, if any)