

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COLEMAN ENTERPRISES, INC.	)	
D/B/A LOCAL LONG DISTANCE	)	
_____	)	CASE NO. 2000-219
	)	
ALLEGED VIOLATION OF KRS 278.535	)	

O R D E R

On August 28, 2000, this Commission issued an Order directing Coleman Enterprises, Inc. ( Coleman ) to show cause why it should not be subject to penalties, pursuant to KRS 278.990(1) and KRS 278.535(6), for alleged violations of KRS 278.535. A hearing was held on November 8, 2000. Commission Staff appeared at the hearing; Coleman did not appear at the hearing and, therefore, put no additional evidence in the record. Coleman produced no letter of agency or electronically recorded authorization from any of the customers identified in the show cause Order to change their long-distance carriers to Coleman. On November 6, 2000, Coleman provided notice that it filed bankruptcy under 11 U.S.C. § 1101, *et. seq.* On January 17, 2001, the Commission entered an Order holding the case in abeyance and directing Coleman to file a letter every 6 months, notifying the Commission of the status of its bankruptcy case. The Order also required Coleman to notify the Commission when the bankruptcy case closes.

As of the date of this Order, the Commission has no record that Coleman supplied the necessary notices to the Commission. Additionally, Commission records

indicate that Coleman failed to pay its assessment for the period of July 1, 2000 to June 31, 2001, as required by KRS 278.130.

Based upon the foregoing, and being otherwise sufficiently advised, the Commission HEREBY ORDERS that:

1. Coleman s authority to operate in this state is revoked, its tariff is removed from the Commission files, and its name is stricken from the Commission s list of active utilities.

2. Case No. 2000-219 is hereby dismissed without prejudice. However, the counts of alleged slamming remain subject to reinstatement at the Commission s discretion should future allegations of slamming by Coleman arise, thereby indicating an unlawful pattern of conduct. Accordingly, until further Order of this Commission, Coleman shall retain all records regarding the counts of slamming addressed in this case.

3. Coleman shall direct its counsel in the bankruptcy case to file a copy of this Order with the bankruptcy court.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of January, 2002.

By the Commission

ATTEST:

  
Executive Director