

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERRY'S SATELLITE CITY, LLC	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2005-00030
	)	
NEWSOUTH COMMUNICATIONS CORP.	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

NewSouth Communications Corp. ("NewSouth") is hereby notified that it has been named as defendant in a formal complaint filed on January 14, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, NewSouth 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 25th day of January, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:



Executive Director

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Terry's Satellite City LLC  
(Your Full Name)

COMPLAINANT

VS.

New South NUVOX  
(Name of Utility)

DEFENDANT

RECEIVED

JAN 14 2005

PUBLIC SERVICE  
COMMISSION

Case 2005-00030

RECEIVED

JAN 14 2005

PSC Consumer Services

COMPLAINT

The complaint of Terry's Satellite City LLC respectfully shows:  
(Your Full Name)

(a) TERRY BURNETT  
(Your Full Name)

7412 Preston Louisville Ky 40219  
(Your Address)

(b) New South NUVOX  
(Name of Utility)

2 North main St Greenville SC 29601  
(Address of Utility)

(c) That: The Above named Utility misapplied Funds  
(Describe here, attaching additional sheets if necessary,

From one Corporation to another. The monthly  
the specific act, fully and clearly, or facts that are the reason

billing was not as it had been negotiated for.  
and basis for the complaint.)

through the New South Sate agent. Also billing from

one Corporation was transferred to another

Continued on Next Page

Formal Complaint

Terry's Satellite City LLC vs. NewSouth NOVAK

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Corporation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, complainant asks that all monies be applied to  
(Specifically state the relief desired.)

Terry's Satellite City LLC that were paid for  
that corporation. Also that we be billed from July  
based on the rate including 5000 minutes of long dist  
we had asked for and is now in effect

Dated at Louisville, Kentucky, this 12<sup>th</sup> day  
(Your City)

of January, 2005  
(Month) 05

[Signature]  
(Your Signature)

TOM SWICEBOOD 10400 LIND STA RD #226  
(Name and address of attorney, if any)  
Louisville KY 40223

## 807 KAR 5:001. Rules of procedure.

### 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) of this administrative regulation).

(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 administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative 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 administrative 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) of this administrative regulation).

## 807 KAR 5:001. Rules of procedure.

### 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
- (3) Form of answer to formal complaint
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant) )  
 Complainant )  
 vs. ) No. \_\_\_\_\_  
 (Insert name of each defendant) ) (To be inserted by  
 Defendant ) the secretary)

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 Louisville, Kentucky, this 12<sup>th</sup> day  
of January, 19 2005.

Thomas E. Swicegood  
(Name of each complainant)

Tom Swicegood 10400 Linn STA RD #226  
(Name and address of attorney,  
if any)  
Louisville Ky 40223

*Given to an attorney before me on this 12<sup>th</sup> day  
of January, 2005 by Thomas E. Swicegood*

*Notary Public [Signature]  
expiration July 12, 2006*