

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	)	

O R D E R

On January 14, 2005, Terry's Satellite City, LLC ("Terry's Satellite") filed with the Commission a formal complaint against NewSouth Communications Corp. ("NewSouth") alleging that NewSouth had misapplied funds from one corporation to another and that the billing was not for the agreed amount.

On January 25, 2005, the Commission ordered NewSouth to satisfy or answer the complaint. On February 9, 2005, NewSouth filed its response, moving that the Commission dismiss the complaint without prejudice or, in the alternative, order Terry's Satellite to submit a more definitive statement.

As grounds for its motion, NewSouth states that the complaint neither specifies the "funds" that were allegedly misapplied nor does it identify the "corporation" to whom the "funds" were misapplied. Without such specificity, NewSouth alleges, it cannot file a proper response and/or satisfy the complaint.

The Commission finds good cause to grant NewSouth's motion for a more definitive statement. Terry's Satellite's initial pleading omits allegations and details that are necessary to state a proper claim.

IT IS THEREFORE ORDERED that, within 20 days of the date of this Order, Terry's Satellite shall file with the Commission an amended complaint that contains a more definitive statement of allegations.

Done at Frankfort, Kentucky, this 16<sup>th</sup> day of March, 2005.

By the Commission

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

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director