COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARY D. MINTON	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2005-00061
	)	
MOMENTUM TELECOM, INC.	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

Momentum Telecom, Inc. ("Momentum") is hereby notified that it has been named as defendant in a formal complaint filed on February 1, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Momentum 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 10th day of February, 2005.

By the Commission

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

ATTEST:

Executive Director

RECEIVED
FEB 0 2 2005
PSC Consumer Services

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
FEB 0 1 2005
PUBLIC SERVICE COMMISSION

In the matter of:

Mary D. Minton
(Your Full Name)
COMPLAINANT

VS.

Momentum Family
(Name of Utility)
DEFENDANT

Case 2005-00061

COMPLAINT

The complaint of Mary D. Minton respectfully shows:
(Your Full Name)

(a) Mary D. Minton
(Your Full Name)

P.O. Box ... Hager Hill, Ky. 41222
(Your Address)

(b) Momentum Family
(Name of Utility)

2090 Columbiana Rd. Suite 3000 Birmingham, Al. 35216
(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.)

Continued on Next Page

Formal Complaint

_____ vs. _____

_____

_____

_____

_____

_____

_____

Wherefore, complainant asks _____
(Specifically state the relief desired.)

_____

_____

_____

_____

Dated at Hager Hill, Kentucky, this 29th day
(Your City)

of January, ~~19~~ 2005
(Month)

Mary D. Newton
(Your Signature)

_____
(Name and address of attorney, if any)

RECEIVED

FEB 0 2 2005

PSC Consumer Services

P.O. Box
Hager Hill, Ky. 41222
Jan. 29, 2005

To whom it may concern:

In Aug. 2003 I joined the Momentum family. I was offered one of two plans, Momentum Unlimited, $42.95 or Momentum 60 with 60 free long distance minutes, $26.95. Both plans included other phone features.

I chose Momentum Unlimited. I was told by my salesperson, Brad Polk extension 4483, that I would receive several features free including 2 extra - 8 code speed dial and 2 Ringmaster numbers and that I would be charged $2 extra for call trace. I asked Brad Polk to fax me a flyer explaining the plan and showing me the features that I would receive as well as the price I would be charged, $42.95 + $2.00 = $44.95 before taxes. I have enclosed a copy of this flyer. Also, at the bottom of the flyer it shows that taxes and surcharges average $10 to $13. Later by mail I received a welcome packages containing a booklet explaining the plan.

When I received my first bill, statement date Sept. 5, 2003, it showed $15.03 in taxes

And surcharges plus $2 call trace totaling $61.43. The second statement, Oct. 5, 2003, started out at $68.19, but they had given me $24.45 in Goodwill credit because of the difference in taxes and surcharges being more than they had stated, plus they had charged me for the two extra features that I was to receive free. All this took my bill down to $43.74, but I only paid $31.27 (I don't remember why). To help make a a long letter a little shorter I received Goodwill money several times to make up for their mistakes. Finally, the bills started coming correctly and everything was fine until my 10/5/04 statement. I was charged $116.87, and this bill was itemized when none of my other statements had been. This statement showed that I had used 6183 wow minutes. My statements for 9/5/04, 8/5/04, and 7/5/04 had been $59.87 with some statements before that being $59.84. On the 10/5/04 statement, I was charged a $50 usage surcharge plus taxes. I called Momentum to express my outrage over this bill. Soon, John at (817) 271-0236 ext. 4447, a higher up person called me. He told me that this 5000 minute limit had been started in May 2004 and that information about this change had been included in one of my

statements. I told him that I had not seen it. He told me that most people just pull out their bills and return envelopes and toss away the rest, so he was not surprised that I did not see it. He said he would send me a new booklet explaining the 5000 minute limit. He also said that he would give me credit for the extra usage this time, but under no certain terms would I receive it again should I go over the 5000 minute limit.

When I received the new booklet, I read it from cover to cover several times. On the last page, page 15 - What does unlimited mean? All Momentum Family℠ products are designed for residential voice calling only. These products are not intended for phone lines that are connected to the Internet for extended periods of time.

If it is determined that usage is not consistent with residential voice applications, Momentum may immediately suspend, restrict or cancel the customer's service without prior notice and assess an additional $50.00 monthly recurring charge for each month in which such usage ocurred. Incidental Internet and other data usage is permitted provided however,

that any usage in excess of 5,000 minutes per month shall be presumed to be not consistent with residential voice applications and shall be subject to the conditions above.

In my Webster's II Unlimited means — Having no limits, bounds or qualifications. Now I say that Momentum is misleading its customers by offering an Unlimited plan which has limits.

Also, in the booklet on page 4 - Regional Calling Plan - By using Momentum Regional Calling Plan, you can use 7- or 10- digit dialing to talk to friends and family in your regional area (LATA-wide) at any time, for as long as you want, free.

I was told by John of Momentum that any 7- or 10- call over 120 minutes would count against your 5000 minute limit even though it is a local call. He gave as an example a call that he could see on my next month bill for 131 minutes. When he told me the number of the call, it was a neighbor about ½ mile from me and the very person that had put me on to Momentum. I made this call just after I had received the $116.27 bill to let this person know about the new changes on our Unlimited Plan. We talked

about Momentum and how wrong it was for an Unlimited plan to now have limits and still call itself Unlimited. This person had not received anything in her statements telling her of the changes nor had she received a new booklet explaining the new changes. John told me that one way to stop the 120 minutes from counting against my 5000 minutes was to hang up before you reached 120 minutes and call the person right back. Should he have told me how to beat the system?

I am just a housewife that likes to talk on the phone. I do not own a computer, but I do have a fax machine mostly used to make copies. My husband stays out of state 5 days out of every eight and my son lives in Lexington so I talk to them often. I do not visit my neighbors often, but we do talk on the phone almost daily. I have relatives in other states that I call and especially one in Michigan that talks for hours. These are some of the reasons I chose an Unlimited Plan.

Relief desired →

Momentum should have to honor the Unlimited Plan that they sold to me and thousands of other people. When and if they honestly start selling the plan as Momentum Family 5000 then the people that wish to buy

the new plan can have the 5000 minute limit. Make this company honor what it sold!

I am enclosing some other flyers that I have been receiving in my statements. All are still showing Momentum Family Unlimited Plan.

I am sorry it has taken me so long to get this information back to you, but I have had some personal problems as well as sickness in my family lately and also the holidays.

Sincerely,

Mary R. Menton

1 of 2 Brad Polk Ext: 4483

Attn: Bryan #442

Family

Get it All Now by Calling
1-877-447-1220
(toll free) or online
www.momentumfamily.com

Momentum Your New Choice for Home Telephone Service

Two Great Plans!

Momentum Unlimited	Momentum 60 with 60 Free Long Distance Minutes
~~As low as~~ ~~$42.95*~~ 44.95	As low as $26.95*
• Unlimited Domestic Long Distance	• 60 Free Long Distance Minutes
• Unlimited Local Calling	• Unlimited Local Calling
• Call Waiting ID	• Call Waiting ID
• 3-Way Calling	• 3-Way Calling
• Repeat Dialing	• Repeat Dialing
• Call Forward	• Call Forward
• Call Block X EASTERN	• Call Block
• Call Return	• Call Return
• 900/976 Restriction	• 900/976 Restriction
• Anonymous Call X Rejection	• Anonymous Call Rejection
• 30 Code Speed Dial	• 30 Code Speed Dial
• Call Trace X	• Add'l Long Distance Minutes: 7.9¢/min**
• 8 Code Speed Dial X	

Call 1-877-447-1220 for exact prices in your area.

* Plus taxes and surcharges (average $10 to $13).

** Applies to in state and state-to-state domestic 1 + direct calls. The intra state rate for NC and SC is 9.9¢ per minute.

Select Your Plan

☐ Momentum Unlimited ☐ Momentum 60

( ) - ___ - ___

List the telephone number you want to switch

Choose Additional Options

☐ Voicemail Package Includes: • Call forward no answer • Call forward busy • Message stutter dial tone • Star 98 Message Retrieval	$5.95	☐ Internet Service (Dial-Up)	$19.95
		☐ International Calling Package	$3.95
		☐ Travel Card $.15/minute $1.00 per call	
☐ Inside Wire Maintenance	$3.95	☐ Second Line	$19.95
☐ Expanded Local Area Calling	$8.95	( ) - ___ - ___ List your second line you would like to switch	

Your Information

Customer Name (please print) Attn Susan Dunn

Billing Street Address Social Security Number

City/State/Zip Promotion Code

Sign Here

Customer Name Date

I hereby designate Momentum Business Solutions ("Momentum") as my agent for purposes of changing my local carrier and PIC carrier to Momentum. I authorize Momentum to access my customer service records in order to effectuate such change. I understand that all local and long distance services are subject to applicable state tariffs approved and filed at state regulatory agencies and/or Momentum's Terms of Service available online at www.momentumfamily.com/local or by calling customer service at 1-877-271-0236. I understand that state-to-state (interstate) rates may differ from in state, intraLATA toll, and international rates. Detailed rate information is posted on our Internet web site at http://www.momentumfamily.com and/or available in our applicable FCC and state tariffs. I understand that any service issues or questions regarding my bill will be resolved by calling 1-877-271-0236, sending an email to custom@momentumfamily.com or by going to the Internet site http://www.momentumfamily.com. Local telephone service is subject to various state and federal taxes, surcharges and other fees. These fees are detailed on your MomentumFamily invoice. I request Momentum to place a PIC freeze and LSF on my account for my own protection from slamming. I agree that Momentum has the right to obtain a current credit report in connection with Momentum's review of my application for service and that Momentum has the right to report to others its credit experience with me. Upon my request, Momentum will provide me with the name and address of each consumer reporting agency from which Momentum obtained a consumer report about me. Momentum will review my credit history and income to determine if I qualify for service without a deposit. I understand that Momentum will hold such information confidentially, whether or not credit is extended.

✓ 2① Ringmaster Numbers Included

AUG-27-2003 08:22PM FROM- T-667 P.002/002 F-231

Attn: Bryan Williams 2 of 2

Momentum Business Solutions, Inc.

2090 Columbiana Road
Suite 3000
Birmingham, AL 35216
(205) 978-4438
(205) 978-3402 Fax

To: MARY MINTON From: Brad Polk

Attn: Date:

Fax: Pages:

Re: Momentum Family Phone Information

☐ Urgent ☑ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

If you have specific questions my extension is 4483.

NO CHARGE IN
NO CHARGE OUT
DOES CALLER ID SHOW UP

FREEZE
#0439[illegible]

Thanks

Brad Polk

877 271-0236
Customer Care

1 700 555-8441
Long Distance Check

Bell
50.21
30.71
80.92

44.95
+ 10 to 13 Taxes
54.95 – 57.95
$26 to $23

AUG-27-2003 05:22PM FROM- T-667 P 001/002 F-231

COME ON... TELE-FRIEND!

EACH TIME YOU REFER
A NEW MEMBER TO THE
MOMENTUMFAMILY 60 OR
MOMENTUMFAMILY UNLIMITED PLA

YOU GET $20 OFF

YOUR PHONE BILL,
ONCE THEY PAY THEIR FIRST BILL!

MOMENTUM
TELECOM℠
www.momentumtelecom.com

MOM

TO REFER A FRIEND OR FAMILY MEMBER:

JUST FIND A FRIEND TO REFER AND HAVE THEM CALL **1-800-MOMENTUM (1-800-666-3688)** TO START SAVING.

TELL THEM TO USE YOUR PHONE NUMBER AS THE "PROMO CODE" WHEN THEY SIGN UP.

WHEN THEY PAY THEIR FIRST BILL, YOU WILL RECEIVE A $20 CREDIT ON YOUR NEXT BILL!

MOMENTUM TELECOM℠

www.momentumtelecom.com

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