

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 10<sup>th</sup> 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

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 02 2005

PSC Consumer Services

In the matter of:

MARY D. Minton  
(Your Full Name)

COMPLAINANT

VS.

Momentum Family  
(Name of Utility)

DEFENDANT

RECEIVED

FEB 01 2005

PUBLIC SERVICE  
COMMISSION

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. \_\_\_\_\_

Page 2 of 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Hager Hill, Kentucky, this 29<sup>th</sup> day  
(Your City)

of JANUARY, 19 2005  
(Month)

Mary D. Martin  
(Your Signature)

\_\_\_\_\_  
(Name and address of attorney, if any)

1.  
RECEIVED

FEB 02 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.<sup>43</sup>.  
 The second statement, Oct. 5, 2003, started out  
 at \$68.<sup>19</sup>, but they had given me \$24.<sup>45</sup> 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.<sup>74</sup>, but I only  
 paid \$31.<sup>27</sup> (I don't remember why). To help make 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.<sup>37</sup>,  
 and this bill was itemized when none of my  
 other statements had been. This statement showed  
 that I had used 6183 <sup>was</sup> minutes. My statements  
 for 9/5/04, 8/5/04, and 7/5/04 had been \$59.<sup>87</sup> with  
 some statements before that being \$59.<sup>87</sup>. 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 <sup>1,500 minute</sup> 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<sup>sm</sup> 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 occurred. 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's <sup>bill</sup> for 131 minutes. When he told me the number of the call, it was a neighbor about 1/2 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.<sup>87</sup> 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 <sup>before you reached 120 minutes</sup> 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 D. Newton

1 of 2 Brad Folk Ext: 44123

Attn: Bryan Billing's 44123

family

# Momentum Your New Choice for Home Telephone Service

Two great plans!

**Momentum Unlimited**

As low as

**\$42.95**  
~~\$44.95~~

• Unlimited Domestic Long Distance

• Unlimited Local Calling

• Call Waiting ID

• 3-Way Calling

• Repeat Dialing

• Call Forward

• Call Block

• Call Return

• 900/970 Restriction

• Anonymous Call Rejection

• 30 Code Speed Dial

• Call Trace

• 9 Code Speed Dial

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

\* Plus taxes and surcharges (average \$10 to \$15).

\*\* Applies to in state and state-to-state domestic 1 + direct cost. The intra state rate for NC and SC is \$9¢ per minute.

**Momentum 90**  
with 90 Free Long Distance Minutes

As low as

**\$26.95\***

• 60 Free Long Distance Minutes

• Unlimited Local Calling

• Call Waiting ID

• 3-Way Calling

• Repeat Dialing

• Call Forward

• Call Block

• Call Return

• 900/970 Restriction

• Anonymous Call Rejection

• 30 Code Speed Dial

• Add'l Long Distance Minutes: 7.9¢/min\*\*

Momentum Unlimited

Momentum 90

( )

List the telephone number you want to switch

**Choose Additional Options**

Voluntary Package

- Includes:
- Call forward no answer
- Call forward busy
- Message stuffer dial tone
- Star 99 Message Retrieval

\$5.95

Internet Service (Dial-Up)

\$19.95

International Calling Package

\$3.95

Travel Card

\$1.15/minute \$1.00 per call

\$3.95

Second Line

\$19.95

List your second line you would like to switch

Your Initials

Customer Name (please print)

Customer Name

Billing Street Address

City/State/Zip

Sign

Provision Code

Signature

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 facilitate such change. I understand that all local and long distance services are subject to applicable state rates approved and filed at state regulatory agencies under Momentum's terms of service available online at www.momentumfamily.com or by calling customer service at 1-877-271-0226. I understand that state-to-state (interstate) calls may occur from in states, that LATA toll, and international calls. Detailed rate information is posted on our Internet web site at <http://www.momentumfamily.com> and/or available in our applicable FDC and state bills. I understand that all services are subject to our standard terms of service available at <http://www.momentumfamily.com> or by going to our Internet site <http://www.momentumfamily.com>. Local telephone service is subject to various state and federal taxes, surcharges, and other fees. There may be additional charges for Momentum family service. I authorize Momentum to place a PIC freeze and LSR on my account for my own protection from unwanted calls from Momentum. I understand 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 has obtained a consumer report about me. Momentum will review my credit history and respond to determine if it qualifies for service without a deposit. I understand that Momentum will treat such information confidentially, whether or not credit is extended.

20 Ringmaster Numbers Included

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

FREE??

NO CHARGE OUT

#0439095

DOES CALLER ID SHOW UP

Thanks

Brad Polk

Bell

50.21

44.95

30.71

+ 10 to 13 Taxes

80.92

54.95 - 57.95

\$ 26 to \$ 23

877 271-0236

Customer Care

1 700 555-8441

Long Distance Check

**COME ON...  
TELE-FRIENDS!**



**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](http://www.momentumtelecom.com)

**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!**



**M O M E N T U M  
T E L E C O M™**  
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