

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ERNEST LEE UPCHURCH)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00364
)	
INSIGHT PHONE OF KENTUCKY, LLC)	
)	
DEFENDANT)	

O R D E R

On July 24, 2006, Ernest Lee Upchurch ("Complainant") filed a complaint against Insight Phone of Kentucky, LLC ("Insight") disputing a bill containing charges for long-distance service. Complainant claimed that Insight offered him a calling package for a monthly fee of \$30 that also included 3 hours of free long-distance service per month. Complainant also claimed that the Insight employee installing his cable service stated that for an additional \$10 a month, Complainant could receive unlimited long-distance service. Complainant stated that he accepted this offer. Subsequently, Complainant received a bill from Insight that contained charges for long-distance usage. Complainant alleges that he should not be billed for these charges as he is on an unlimited rate plan.

On August 4, 2006, the Commission entered an Order directing Insight to answer or to satisfy the complaint. On August 15, 2006, Insight filed with the Commission its response. Insight asserts that its internal sales documents indicate that Complainant was receiving service under a calling plan that provided for 3 hours of free long-

distance. Insight, however, claims that it “strives to provide customer satisfaction”¹ and has added the unlimited calling plan to Complainant’s calling plan and has issued a full credit of \$207.20 (the long distance charges exceeding the 3-hour limitation) to Complainant’s account.

On August 21, 2006, the Commission issued an Order directing Complainant to inform the Commission, within 10 days of the date of the Order, whether he accepted or rejected Insight’s offer of satisfaction. The Order further provided that, if no such response was received timely, the complaint would be considered satisfied and would be dismissed. Complainant’s response was due no later than September 4, 2006. As of the date of this Order, Complainant has submitted no response to the Commission. Accordingly, pursuant to the Commission’s August 21, 2006 and 807 KAR 5:001, Section 12(5), the Commission finds that Insight has satisfied the complaint and that this case should be dismissed with prejudice.

IT IS THEREFORE ORDERED that the complaint is dismissed with prejudice as satisfied.

Done at Frankfort, Kentucky, this 12th day of October, 2006.

By the Commission

ATTEST:



Executive Director

¹ Answer of Insight at 1.