

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  
(Your Full Name) respectfully shows:

(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.)

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. Spitzer  
(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>84</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. Minton



*Attor: Bryan Williams #4472*  
**Get it All Now by Calling**  
**1-877-447-1220**  
 ( toll free) or online  
[www.momentumfamily.com](http://www.momentumfamily.com)

**family**

# Momentum Your New Choice for Home Telephone Service

**Two great plans!**

**Momentum Unlimited**

AS LOW AS **\$42.95**

AS LOW AS **\$26.95\***

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

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

**Momentum Unlimited**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

AS LOW AS **\$42.95**

**Momentum 90**

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

AS LOW AS **\$26.95\***

- Voicemail Package**
- includes:
  - Call forward no answer
  - Call forward busy
  - Message stuffer dial tone
  - Star 99 Message Retrieval
- Inside Wire Maintenance**
- Expanded Local Area Calling**
- Internet Service (Dial-Up)** \$19.95
- International Calling Package** \$3.95
- Travel Card** \$1.15/minute \$1.00 per call
- Second Line** \$9.95

List your second line you would like to switch

**Your Information**

Customer Name (please print) John D. [unclear]  
 Billing Street Address Susan [unclear]  
 City/State/Zip [unclear]  
 Social Security Number [unclear]  
 Pension Code [unclear]

Customer Name

Date

I hereby designate Momentum Business Solutions ("Momentum") as my agent for purposes of changing my local carrier and PIC, come to Momentum, 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 tariffs approved and filed at state regulatory agencies under Momentum's Terms of Service available at [www.momentumfamily.com/terms](http://www.momentumfamily.com/terms) or by calling customer service at 1-877-271-0235. I understand that state-to-state (state-to-state) rates may differ from in-state, intra-ATA, toll, and international rates. Momentum's 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 requests or questions regarding my bill will be resolved by calling 1-877-271-0235, sending an email to [customer-service@momentumfamily.com](mailto:customer-service@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. Please read the details on your Momentum family needs. I request Momentum to place a PIC Transfer and LSP on my account for my new product plan. 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 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, unless my credit is delinquent.

*Brad Volk Ext: 4423*

*20 Ringmaster Numbers Inc added*

Attn: Bryan Williams

2 of 2

**Momentum Business Solutions, Inc.**

2090 Columblana 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 

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