

**PEDLEY ZIELKE GORDINIER & PENCE, PLLC**

ATTORNEYS AT LAW

October 26, 2006



**RECEIVED**

OCT 27 2006

PUBLIC SERVICE  
COMMISSION

**VIA OVERNIGHT MAIL**

Kentucky Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

Re: *Schiess v. Insight, Case No. 2006-00401*

Dear Commissioners:

Enclosed please find an Answer to be filed in the above reference case on behalf of Insight Phone, as well as a Petition for the Return of Confidential Materials for the same case.

I've also enclosed an extra copy of each pleading as well as a self addressed stamped envelope. Could you please file stamp the extra copies and return them to me? Thank you.

Sincerely,

Janice M. Theriot

Enclosure

LAWRENCE L. PEDLEY\*

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††ADMITTED GEORGIA

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
CASE No. 2006-00401

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**In the matter of:**

**Kenneth Schiess and Louann Schiess**

**COMPLAINANTS**

**v.**

**Insight Phone**

**DEFENDANT**

**Answer**

Comes the Defendant, Insight Phone, by and through counsel, and for its Answer to the Complaint filed by Kenneth Schiess and Louann Schiess states as follows:

1. Kenneth Schiess is a customer of Defendant's. He is liable for services rendered based upon calls made from his account, regardless of whether the calls are made by him or by another person from his account with or without his permission.

2. Defendant is without information and belief as to who resides in Mr. Schiess's home or has access to Mr. Schiess's account.

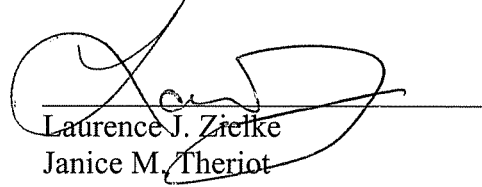
3. Between April 10, 2006, and April 25, 2006, seventeen (17) calls were made from Mr. Schiess's account to a phone in the Netherlands with a number of +31 632 008 0110. These calls were listed on Mr. Schiess's bill as terminating at a phone with a number of 632 008 0110; the 31 was not listed on the bill.

4. Defendant has records of each call originating from Mr. Schiess's telephone for the time in question which clearly includes the disputed calls.

5. The 17 calls in dispute totaled 61 minutes and were billed at a rate of \$1.56 per minute plus tax. Mr. Schiess did not have an International Plan Rate available on his account which would have resulted in a rate of \$.35 per minute.

WHEREFORE, Insight Phone demands that the complaint against it be dismissed.

Respectfully Submitted



Laurence J. Zielke

Janice M. Theriot

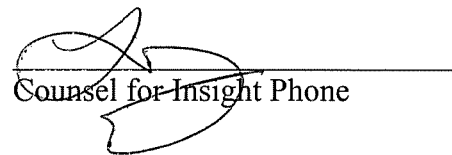
Pedley Zielke Gordinier & Pence, PLLC

2000 Meidinger Tower

Louisville, KY 40202

(502)589-4600

The undersigned hereby certifies that a copy of the forgoing answer was served on this the 26 day of October, 2006, on Theodore Walton, UAW-Ford Legal Services Plan, 1939 Goldsmith Lane, Ste. 117, Louisville KY 40218-2006.



Counsel for Insight Phone

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
CASE No. 2006-00401

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PUBLIC SERVICE  
COMMISSION

**In the matter of:**

**Kenneth Schiess and Louann Schiess**

**COMPLAINANTS**

**v.**

**Insight Phone**

**DEFENDANT**

**Petition for Return of Confidential Materials**

Comes the Defendant, Insight Phone, by and through counsel, and for its petition for return of confidential materials states as follows:

1. Insight Phone responded to the complaint filed by Kenneth and Louann Schiess with a letter dated September 15, 2006. The Commission rejected the answer for filing in an order dated October 20, 2006.

2. The September 15, 2006, answer was rejected because it was not filed by an attorney licensed to practice in Kentucky.

3. Concurrent with this Petition, Insight Phone has filed an Answer to replace the September 15, 2006, Answer.

4. Insight Phone petitions the Commission to return the September 15, 2006, Answer together with its attachments so as to keep the attachments from becoming public documents.

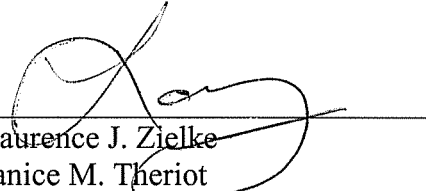
5. The attachments to the September 15, 2006, Answer contain private telephone records of Mr. Schiess who may not wish to have his records made public.

6. The private telephone records of Mr. Schiess are exempt from disclosure under KRS 61.878 (1)(a) as records containing information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy.

#### CONCLUSION

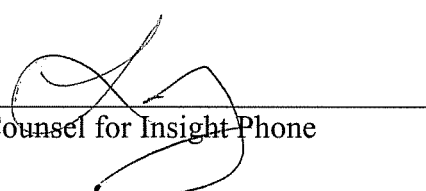
Defendant has replaced the Answer rejected for filing with an acceptable Answer and petitions the Court to return the original Answer with its attachments or otherwise keep the attachments confidential per KRS 61.878(1)(a).

Respectfully Submitted



Laurence J. Zielke  
Janice M. Theriot  
Pedley Zielke Gordinier & Pence, PLLC  
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Louisville, KY 40202  
(502)589-4600

The undersigned hereby certifies that a copy of the forgoing petition was served on this the 26 day of October, 2006, on Theodore Walton, UAW-Ford Legal Services Plan, 1939 Goldsmith Lane, Ste. 117, Louisville KY 40218-2006.



Counsel for Insight Phone