

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

ROBERT S. STROTHER)
)
COMPLAINANT)
)
V.)
)
AT&T COMMUNICATIONS OF THE)
SOUTH CENTRAL STATES, INC.)
)
DEFENDANT)

CASE NO. 2007-00415

MOTION

The responses of the Defendant, AT&T Communications of the South Central States, Inc., hereinafter referred to as "AT&T," fails to address the issues in the case or to give any valid defenses as to the elements set out by Plaintiff in his Complaint.

The responses do not address the fact that the Defendant has kept thousands of dollars of Plaintiff's money after demands for over four years and after Defendant had acknowledged in a prior response that it had overcharged Plaintiff but had offered a pittance in settlement. The Defendant has failed to address the common law doctrine of unjust enrichment by not returning the sum of money involved.

Unjust enrichment, doctrine of. General principle that one person should not be permitted unjustly to enrich himself at expense of another, but should be required to make restitution of or for property or benefits received, retained or appropriated, where it is just and equitable that such restitution be made, and where such action involves no violation or

frustration of law or opposition to public policy, either directly or indirectly.

In Defendant's failure to reimburse Plaintiff, it has been fraudulent, and the cost of the action or inaction of Defendant, and Plaintiff pleads for \$50,000 in settlement and whatever the Commission sets as punitive damages to insure that Defendant does not carry on this same course of conduct in the future.

THEREFORE, the Plaintiff asks the Commission to issue an Order redressing the grievances of Plaintiff by awarding damages against the Defendant.

Respectfully submitted,



ROBERT S. STROTHER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served on counsel for Defendant by mailing a copy thereof this 5th day of December, 2007 to the following:

Hon. Cheryl R. Winn
Attorney At Law
601 W. Chestnut Street, Room 407
Louisville, KY 40203



ROBERT S. STROTHER

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SOUTH CENTRAL STATES, INC.)	
)	
DEFENDANT)	

ORDER

IT IS HEREBY ORDERED that the Commission finds for the Plaintiff and directs the Defendant to comply with Plaintiff's request as set out in the Response.

By the Commission

ATTEST:

Executive Director

Robert S. Strother
1080 Lake Front Drive
Lexington, KY 40517

December 5, 2007

Ms. Beth O'Donnell
Executive Director
Public Service commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: Case No. 2007-00415
Robert S. Strother v.
AT&T Communications

Dear Ms. O'Donnell:

Enclosed please find my Motion in response to pleadings filed by AT&T, and also an Order finding in favor of Plaintiff in the above-styled case.

Sincerely,



Robert S. Strother

enclosures