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DOUGLAS F. BRENT
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February 7, 2005

RECEIVED
FEB 09 2005
PUBLIC SERVICE
COMMISSION

Elizabeth O' Donnell, Esquire
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

Re: Case No. 2005-00030
Terry's Satellite City, LLC v. NewSouth Communications.

Dear Ms. O'Donnell:

Pursuant to 807 KAR 5:001, Section 12, please accept this letter as NewSouth's response to the referenced complaint. NuVox hereby requests that the complaint be dismissed without prejudice. Alternatively, NewSouth requests that this letter be treated as a motion for a more definite statement under CR 12.05.

The Commission's rules of procedure require that formal complaints state "[f]ully clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made..." 807 KAR 5:001, Section 12(1)(c) (emphasis added). That rule is hardly satisfied by a handwritten complaint that makes a hopelessly vague claim that NewSouth has "misapplied funds from one corporation (sic) to another."

In this case, the complaint fails to identify the corporations allegedly involved. Moreover, it fails to describe "the funds" with any degree of particularity. If this complainant is alleging that NewSouth has credited a payment to the wrong customer, NewSouth deserves to be apprised of who the complainant believes that customer is. Among other reasons, NewSouth is entitled to investigate whether that corporation should be a party to this proceeding.

The Commission has adopted a fairly relaxed pleading standard for formal complaints brought by residential consumers. However, the PSC requires that corporations and limited liability companies be represented by counsel in matters before the Commission. NewSouth respectfully suggests that parties represented by counsel, like this one, should be held to a higher standard.

NewSouth cannot reasonably be required to frame a pleading to this vague and ambiguous complaint. Accordingly, pursuant to CR 12.05, NewSouth requests that the complainant be ordered to either dismiss its complaint or amend it to comply with the Commission's rules by providing a more definite statement. NewSouth respectfully suggests that this complainant should be required to provide enough detail so that the Commission may understand the allegations and NewSouth may reply to them. All factual allegations not specifically admitted are hereby denied.

Please indicate receipt of this filing by placing your file-stamp on the extra copy of this letter and returning to me in the enclosed, self-addressed, stamped envelope.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Douglas F. Brent', with a long horizontal line extending to the right.

Douglas F. Brent

Cc: Thomas Swicegood
10400 Lynn Station Road, #226
Louisville, Kentucky 40223

Terry Burnett
Terry's Satellite City, LLC
7412 Preston
Louisville, Kentucky 40219

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Kentucky Public Service Commission

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