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July 22, 2005

RECEIVED

VIA FACSIMILE AND EXPRESS MAIL

JUL 22 2005

PUBLIC SERVICE  
COMMISSION

Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615


Re: In the Matter of An Inquiry Into Limitations Of Use For Tariffed  
Services Designated Or Otherwise Referred To As Unlimited  
Administrative Case No. 2005-00186

Dear Ms. O'Donnell:

Insight Phone of Kentucky, LLC ("Insight"), by its attorneys, hereby submits an original and five (5) copies of its Response to the Commission's Information Request in the above-referenced proceeding. Please stamp the extra copy as received and kindly return it in the enclosed prepaid envelope.

Should any questions arise concerning this matter, kindly communicate with the undersigned.

Respectfully submitted,

  
J.G. Harrington  
Counsel for Insight

Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO LIMITATIONS )  
OF USE FOR TARIFFED SERVICES ) ADMINISTRATIVE  
DESIGNATED OR OTHERWISE ) CASE NO. 2005-00186  
REFERRED TO AS UNLIMITED )

Response of Insight Phone of Kentucky, LLC to Commission's Information Request

**1. Does the utility offer a plan that is described, named, or marketed as "unlimited"? If yes, identify and describe the plan and provide copies of the tariff sheets on which the plans can be found.**

Yes, Insight Phone has a promotion called "Unlimited Long Distance." It is not a plan per se, but rather exists as a promotional overlay to enhance the "180 Minute Block of Time" plan. It is filed as a promotion with the Commission. The relevant section of the Kentucky Local Service tariff regarding this promotion is attached.

Further, Insight markets Local Phone service as being "unlimited" local calling. The tariff pages relating to this local offering are also attached.

**2. If the utility has an "unlimited" plan, are there use restrictions or other limitations on the plan? If yes, describe these restrictions and reference the utility's tariff.**

The limitations for the "Unlimited Long Distance" promotion are detailed in section 6.1.10 of the local service tariff. These limitations relate to the type of use rather than the amount of usage; for example, the use of the service for commercial applications, resale, internet access, telemarketing or other non-residential usage is prohibited. The limitations for the "unlimited" local calling plan are geographical and are defined in the Local Service tariff. There are no caps on usage under either plan.

**3. How and when are customers or potential customers notified of the limitations on the unlimited plan? Describe the notification.**

Customers are notified at the point of sale of the domestic and general use limitations relating to the "Unlimited Long Distance" plan via verbal communication between the prospective subscriber and the Insight customer service agent. The local service tariff is also publicly available to customers via the Insight web site, [www.insight-com.com/tariffs](http://www.insight-com.com/tariffs). In regard to unlimited local calling, it is widely understood that local calls are limited to a local calling area.

Insight's customer service representatives are prepared to generally discuss the geographic limitations under the plan. In addition, information regarding the terms of the local plan is publicly available via Insight's web site.

**4. If third parties (agents, telemarketers, consignees, etc.) market, advertise, or otherwise offer end-users the utility's unlimited plan, explain how those "marketers" are required to verify compliance with the notice requirements.**

Third parties have not offered the "Unlimited Long Distance" plan to date. It has only recently become available. Telemarketers have offered the "unlimited" local calling plan, and the scripts they use must be approved by Insight prior to use.

**5. Assuming a customer has subscribed to an "unlimited" plan that has use limitations, is the customer notified when the limitations are exceeded? If yes, how is the customer notified?**

To date, no customer has violated limitations for the "Unlimited Long Distance" plan. Should that occur, the customer would be notified via telephone and written communication. Customers cannot violate the usage limitations of the local plan. Any call placed outside of the local calling area would be a toll, rather than a local, call.

**6. How and when are customers notified that changes have been made to the plan?**

No changes have been made to the "Unlimited Long Distance" plan warranting notification. If changes become necessary, Insight will provide a direct bill message to subscribed customers and will revise the tariffs accordingly. Changes to the Local Calling Area affecting the "unlimited" local plan are communicated via bill message to customers. Notice is provided prior to the time that changes go into effect.

**7. Are customers able to check the number of minutes they have used in order to determine if they will exceed the plan's limitations?**

There is no minute cap under the "Unlimited Long Distance" plan. Thus checking on-going minute usage is not necessary, and Insight does not provide that capability. Customers do receive call detail each month in their bill specifying minutes covered and not covered by the plan.

There also is no minute cap under the "unlimited" local plan and, consequently, there is no method for checking how many minutes the customer has used.

**8. Explain why the utility markets, names, or describes a plan as “unlimited” when limits on the plan exist.**

The term “unlimited,” as used by Insight, refers to the number of minutes a customer may use without penalty, and because Insight places no limitations on the number of minutes for calling, this term is accurate. The limitations (type of use for the long distance plan and geography for the local plan) do not relate to the amount of traffic the customer may generate and are explained prior to the time the customer purchases the service.

**9. Explain how the utility ensures that the unlimited plan is offered and the rates, terms and conditions of service are applied without discrimination as required by KRS 278.170(1).**

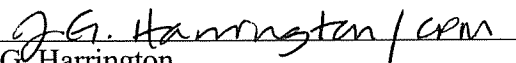
Insight makes these services available to all eligible customers, in accordance with the terms of its tariffs and service descriptions. It has procedures in place to ensure that any customers who appear to be violating the terms of the long distance plan are notified that they are violating those terms and will apply those procedures consistently if any customers appear to be in violation. In the case of the local service offering, the geographic restrictions on local calling apply automatically (via programming in Insight’s switch) to all customers who purchase the plan, so the terms of the plan are applied indiscriminately to all customers who purchase it.

**10. Provide summary records of all complaints received by the utility regarding any unlimited plans offered in Kentucky since January 1, 2001. Include the date that the complaint was opened, customer class, description of complaint, description of complaint resolution, and date that the complaint was closed.**

Insight has provided telephone service in Kentucky only since January 1, 2005. Since commencing service, Insight customer service representatives have received questions from customers relating to billing errors under the plans, but all such questions have been resolved by correcting those errors at the customer service level. There have been no complaints relating to any of the limitations under the plans.

Respectfully submitted,

**Insight Phone of Kentucky, LLC**

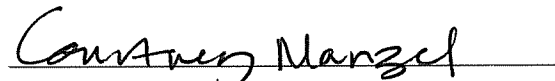
By:   
J.G. Harrington  
Courtney Manzel

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July 22 , 2005

### **Certificate of Service and Filing**

Counsel certifies that an original and five photocopies of this *Response of Insight Phone of Kentucky, LLC to Commission's Information Request* were served and filed by facsimile and express mail to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40602, (502) 564-3460; furthermore it was served by express mail to Dennis G. Howard II, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, all on this 22nd day of July, 2005.

  
Counsel for Insight Phone of Kentucky, LLC

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**6. PROMOTIONAL OFFERINGS**

**6.1. PROMOTIONAL OFFERINGS (CONT'D)**

**6.1.10 UNLIMITED USAGE PROMOTION**

Beginning May 1, 2005, and continuing through May 31, 2005, qualifying customers may subscribe to the following Unlimited Usage Promotion. To be eligible for this promotion, customers must also subscribe to a Multi-Product Promotion specified, as applicable, in either Section 6.1.5 or 6.1.8, preceding.

For a monthly charge of \$5.00, which is in addition to all other applicable recurring charges, the Company will provide, in lieu of the 180 Minute allocation of usage, unlimited domestic direct-dialed 1+ interstate and intrastate long distance usage, for a period of twelve (12) consecutive billing periods. At the end of the promotional period, the customer shall resume the 180 minute allocation of usage pursuant to such applicable plan.

Due to the bulk nature of the usage, call detail is not provided on the monthly billing. Unused minutes in any month revert to the Company.

Service is limited to residential voice applications and the use of this service is limited to the customer, members of the customer's household and occasional guests. The use of the service for commercial applications, resale, internet access, telemarketing or other non-residential usage is prohibited. In addition, the use of auto dialers, polling devices, call forwarding, three-way calling (other than incidental usage) and other devices and/or dialing arrangements with the intent to avoid payment of otherwise applicable long distance charges is prohibited. Participation may be terminated for customers who utilize the service in a manner or for a purpose other than those described herein.

This unlimited promotional offer does not include calls to 900 numbers, directory assistance calls, calling card calls, operator services, international calling, taxes, fees, subscriber line and installation charges. Customers checking email, limited surfing the Internet or sending faxes should not incur an additional monthly fee for such limited usage due to the brevity of these applications.

(N)

(N)

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**6. PROMOTIONAL OFFERINGS**

**6.1. PROMOTIONAL OFFERINGS (CONT'D)**

**6.1.10 UNLIMITED USAGE PROMOTION (CONT'D)**

The Company will undertake periodic reviews of traffic on its network to determine appropriate use of this promotional offer. Indicators of inappropriate usage may include call origination, call destination, call holding times, frequency of calls, and other calling-pattern data. Where the Company (at its sole discretion) determines that a customer's calling patterns indicate usage that is not consistent with typical residential customer usage, the customer will be contacted and offered a service plan more appropriate to their needs at the Company's sole discretion. Subsequent to that notification, if a customer continues to use the service in an inappropriate manner, the Company will temporarily restrict the customer's ability to place offending calls until a mutually agreeable resolution can be reached.

(N)

(N)

## 6. PROMOTIONAL OFFERINGS

### 6.1. PROMOTIONAL OFFERINGS (CONT'D)

#### 6.1.11 UNLIMITED USAGE FOR \$10 PROMOTION

Beginning June 1, 2005, and continuing through July 31, 2005, qualifying customers may subscribe to the following Unlimited Usage for \$10.00 Promotion. To be eligible for this promotion, customers must also subscribe to a Multi-Product Promotion specified, as applicable, in either Section 6.1.5 or 6.1.8, preceding. (C)

For a monthly charge of \$10.00, which is in addition to all other applicable recurring charges, the Company will provide, in lieu of the 180 Minute allocation of usage, unlimited domestic direct-dialed 1+ interstate and intrastate long distance usage, for a period of twelve (12) consecutive billing periods. At the end of the promotional period, the customer shall resume the 180 minute allocation of usage pursuant to such applicable plan.

Due to the bulk nature of the usage, call detail may not be provided on the monthly billing. Unused minutes in any month revert to the Company. (C)

Service is limited to residential voice applications and the use of this service is limited to the customer, members of the customer's household and occasional guests. The use of the service for commercial applications, resale, internet access, telemarketing or other non-residential usage is prohibited. In addition, the use of auto dialers, polling devices, call forwarding, three-way calling (other than incidental usage) and other devices and/or dialing arrangements with the intent to avoid payment of otherwise applicable long distance charges is prohibited. Participation may be terminated for customers who utilize the service in a manner or for a purpose other than those described herein.

This unlimited promotional offer does not include calls to 900 numbers, directory assistance calls, calling card calls, operator services, international calling, taxes, fees, subscriber line and installation charges. Customers checking email, limited surfing the Internet or sending faxes should not incur an additional monthly fee for such limited usage due to the brevity of these applications.



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**6. PROMOTIONAL OFFERINGS**

**6.1. PROMOTIONAL OFFERINGS (CONT'D)**

**6.1.11 Unlimited Usage for \$10 Promotion (Cont'd)**

The Company will undertake periodic reviews of traffic on its network to determine appropriate use of this promotional offer. Indicators of inappropriate usage may include call origination, call destination, call holding times, frequency of calls, and other calling-pattern data. Where the Company (at its sole discretion) determines that a customer's calling patterns indicate usage that is not consistent with typical residential customer usage, the customer will be contacted and offered a service plan more appropriate to their needs at the Company's sole discretion. Subsequent to that notification, if a customer continues to use the service in an inappropriate manner, the Company will temporarily restrict the customer's ability to place offending calls until a mutually agreeable resolution can be reached.

(N)

(N)

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**5. INSIGHT RESIDENTIAL LOCAL SERVICE**

**5.1. INSIGHT LOCAL SERVICE**

Insight Local Service provides the customer with an access line and usage within a local calling area for the transmission of two-way interactive switched voice or data communications. Local Calling Areas are described in Section 3.1.

The Company's services are furnished subject to the availability of facilities and equipment, and are subject to the terms and conditions of this Tariff.

Insight Local Service is offered as a stand-alone local offer or in conjunction with an associated long distance service provided by the Company.

Insight Local Services are subject to monthly recurring charges and for certain call types, per minute usage rates and/or service charges on a per access line basis, as specified following.

Customers subscribing to plans requiring Company subscription for Intrastate and Interstate long distance who subsequently select an alternate Intrastate or Interstate Carrier become Local Only customers and are subject to applicable monthly charges for custom calling features as set forth in Section 5.2.3, following, and toll usage rates as set forth in Section 8.2.3.C, following.

**5.1.1. INTEGRATED OFFERING**

The Integrated Offering is provided in conjunction with an associated long distance service provided by the Company. Customers who order the Integrated Offering associated with long distance service must be presubscribed to the Company for both Intrastate and Interstate long distance.

The Integrated Offering is subject to monthly recurring charges and/or per minute usage, on a per access line basis. The monthly charges for Integrated Offerings consist of a Line Component and a Usage Component. Each of the following offers provides customers with the option of one to four access lines. The customer may add one additional line per offer, up to a total of four lines per single-family residence.

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**5. INSIGHT RESIDENTIAL LOCAL SERVICE**

**5.1. INSIGHT LOCAL SERVICE (CONT'D)**

**5.1.1. INTEGRATED OFFERING (CONT'D)**

**A. Block-of-Time Offers**

The following Block-of-Time plans provide the customer with unlimited calls within their Local Calling Area and a specified amount of long distance calling for a flat monthly fee. The following types of calls do not apply towards minutes included in any of the Block-of-Time plans listed below: Operator Assisted calls, Calling Card calls, Information Service Provider calls (i.e., 976, 900), international calls, or calls to toll free dialing numbers. Block-of-Time usage is measured per month, based on all applicable usage on all lines associated with the account. Unused portions of the monthly allowance will not be credited to a subscriber's account, carried over to another month, or transferred to another account.

**1. 180 Minute Block-of-Time Offer**

The 180 Minute Block-of-Time offer provides the customer with a local access line, touch-tone service, unlimited calls within the customer's local calling area, and 180 minutes of domestic long distance calling per monthly billing period. Additional long distance usage will be rated on a per minute basis as specified in the appropriate Company Tariff or Service Guide.

**2. 300 Minute Block-of-Time Offer**

The 300 Minute Block-of-Time offer provides the customer with a local access line, touch-tone service, unlimited calls within the customer's local calling area, and 300 minutes of domestic long distance calling per monthly billing period. Additional long distance usage will be rated on a per minute basis as specified in the appropriate Company Tariff or Service Guide.

**B. "By the Minute" Offer**

The "By the Minute" offer provides the customer with a local access line, touch-tone service, unlimited calls within the customer's local calling area, and long distance calling rated on a per minute basis as specified in the appropriate Company Tariff or Service Guide.

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**5. INSIGHT RESIDENTIAL LOCAL SERVICE**

**5.1. INSIGHT LOCAL SERVICE (CONT'D)**

**5.1.1. INTEGRATED OFFERING (CONT'D)**

C. Rates and Charges

MONTHLY CHARGE

1. Primary Access Line	
a. Louisville Exchanges	\$13.00
b. Lexington Exchanges	17.00
c. Shepherdsville Exchanges	8.75
d. Henderson Exchanges	12.80
2. Usage Component	
a. 300 Minute Block of Time Offer	16.95
b. 180 Minute Block of Time Offer	11.95
c. "By the Minute" Offer	2.95

**5.1.2. LOCAL ONLY OFFER**

The Local Only Offer is provided as a stand-alone local offer not associated with a long distance service. The Local Only Offer is subject to monthly recurring charges on a per access line basis.

The Local Only Offer provides customers with a local access line, touch-tone service, and unlimited calling within the customer's local calling area.

MONTHLY CHARGE

1. Access Line	
a. Louisville Exchanges	\$13.00
b. Lexington Exchanges	17.00
c. Shepherdsville Exchanges	8.75
d. Henderson Exchanges	12.80