



Ernie Fletcher
Governor

LaJuana S. Wilcher, Secretary
Environmental and Public
Protection Cabinet

Christopher L. Lilly
Commissioner
Department of Public Protection

Cinergy Communications Company
1419 W. Lloyd Expressway
Evansville, IN 47710

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Mark David Goss
Chairman

Teresa J. Hill
Vice Chairman

Gregory Coker
Commissioner

July 18, 2006

RE: Case No. 2006-00340

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

BOD/jc
Enclosure

Cinergy Communications Company
1419 W. Lloyd Expressway
Evansville, IN 47710

Edward T. Depp
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|--------------------------------|---|---------------------|
| BRANDENBURG TELECOM LLC |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| v, |) | CASE NO. 2006-00340 |
| |) | |
| CINERGY COMMUNICATIONS COMPANY |) | |
| |) | |
| DEFENDANT |) | |

ORDER TO SATISFY OR ANSWER

Cinergy Communications Company ("Cinergy ") is hereby notified that it has been named as defendant in a formal complaint filed on July 7, 2006, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Cinergy is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 18th day of July, 2006.

By the Commission

ATTEST:



Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

COPY

RECEIVED

JUL 7 2006

PUBLIC SERVICE
COMMISSION

In the Matter of:

BRANDENBURG TELECOM LLC)
)
Complainant)
)
v.)
)
)
CINERGY COMMUNICATIONS)
COMPANY)
Defendant)

Case No. 2006-00340

FORMAL COMPLAINT

Brandenburg Telecom LLC ("Brandenburg Telecom"), by counsel, for its formal complaint against Cinergy Communications Company ("Cinergy"), pursuant to KRS 278.030, hereby states as follows.

1. The full name and address of Brandenburg Telecom is Brandenburg Telecom LLC, 200 Telco Drive, PO Box 599, Brandenburg, Kentucky 40108. Brandenburg Telecom is a local exchange carrier authorized to provide telecommunications services in the Commonwealth of Kentucky. Brandenburg Telecom is a Kentucky limited liability company.

2. The full name and address of Cinergy is Cinergy Communications Company, 1419 W. Lloyd Expressway, Evansville, Indiana 47710. Cinergy is a long distance carrier authorized to provide telecommunications services in the Commonwealth of Kentucky. Cinergy is a Kentucky corporation.

3. The facts supporting this complaint are set forth more fully below; but briefly, this complaint concerns Cinergy's refusal to pay Brandenburg Telecom for charges incurred with respect to access services provided to Cinergy by Brandenburg Telecom, pursuant to the Duo County Tariff

and the National Exchange Carrier Association, Inc. ("NECA") Tariff, each of which Brandenburg Telecom has opted-into.

APPLICABLE LAW

4. Pursuant to KRS 278.040, the Public Service Commission of the Commonwealth of Kentucky ("Commission") has jurisdiction "over the regulation of rates and service of utilities" within the Commonwealth.

5. Pursuant to KRS 278.260, the Commission is vested with the express authority to investigate and remedy "complaint as to rates or service of any utility."

6. Pursuant to KRS 278.030 (1), "[e]very utility may demand, collect and receive fair, just and reasonable rates for the services rendered or to be rendered by it to any person." (Emphasis added). Subsection (2) of KRS 278.030 allows a utility to "employ in the conduct of its business suitable and reasonable classifications of its service, patrons and rates."

STATEMENT OF THE FACTS

7. Brandenburg Telecom has regularly invoiced Cinergy for the services it provides.

8. On May 24, 2006, Brandenburg Telecom sent Cinergy a letter requesting payment for past due invoices from March and April 2006, in the amount of \$1,169.25. (*See Exhibit 1 attached.*) Brandenburg Telecom requested for Cinergy to provide payment in full by May 29, 2006 to avoid potential disconnection. (*See id.*)

9. Cinergy has not disputed the aforementioned invoices.

10. Cinergy has failed to pay for the past due amount of \$1,169.25 and current charges from the June 16, 2006 invoice, in the amount of \$656.90.

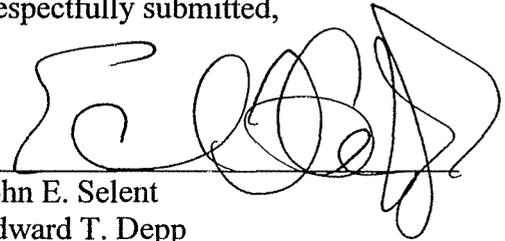
11. Cinergy has not responded to Brandenburg Telecom's request for payment.

12. Brandenburg Telecom has initiated this formal complaint to collect full payment from Cinergy for services rendered to it.

WHEREFORE, Brandenburg Telecom respectfully requests that the Commission take the following actions:

1. Order Cinergy to pay immediately for past services rendered by Brandenburg Telecom, in the amount of \$1,169.25.
2. Order Cinergy to pay immediately for current services (as reflected in Brandenburg Telecom's June 16, 2006 invoice to Cinergy) rendered by Brandenburg Telecom, in the amount of \$656.90.
3. Order Cinergy to pay timely for future services rendered by Brandenburg Telecom or face termination of services from Brandenburg Telecom, pursuant to 807 KAR 5:006.
4. Grant Brandenburg Telecom any and all other legal and equitable relief to which it is entitled.

Respectfully submitted,



John E. Selent
Edward T. Depp
Holly C. Wallace
DINSMORE & SHOHL LLP
1400 PNC Plaza
500 W. Jefferson Street
Louisville, Kentucky 40202
(502) 540-2300 (telephone)
(502) 585-2207 (facsimile)

**COUNSEL TO BRANDENBURG
TELECOM LLC**

BRANDENBURG TELECOM

200 Telco Drive
Brandenburg, KY 40108
270-422-2121

May 24, 2006

Cinergy Communications,
Attn: Bill Audit
8829 Bond Street
Overland Park, KS 66214

RE: Facility Access

Dear Accounts Payable:

Our records show that your account is past due. The total amount due is \$1,169.25. See enclosed breakdown of all charges. In order to continue service, the total payment must be in our office by Monday, May 29, 2006, or service could be disconnected. Once disconnected, it will be necessary for you to pay the amount past due and all applicable charges before service can be restored.

If you have any questions, please call me at (270) 422-2121.

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|---|---------------|---|--|
| Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse. | | A. Signature <input checked="" type="checkbox"/> <i>William Oberly</i> | <input type="checkbox"/> Agent <input type="checkbox"/> Addressee |
| U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) | | Intend Name) <i>berly</i> | C. Date of Delivery |
| For delivery information visit our website at www.usps.com | | is different from item 1? <input type="checkbox"/> Yes | Delivery address below: <input type="checkbox"/> No |
| OFFICIAL USE | | | |
| Postage | \$ <i>39</i> | BRANDENBURG KY MAY 24 2006 40108 | |
| Certified Fee | <i>240</i> | | |
| Return Receipt Fee (Endorsement Required) | <i>185</i> | | |
| Restricted Delivery Fee (Endorsement Required) | | | |
| Total Postage & Fees | <i>\$4.64</i> | | |
| Sent To <i>Cinergy Communications</i> <i>Attn: Bill Audit</i> | | <input type="checkbox"/> Express Mail | <i>4403</i> <i>the</i> <i>5/24/06</i> |
| Street, Apt. No., or PO Box No. <i>8829 Bond Street</i> | | <input type="checkbox"/> Return Receipt for Merchandise | |
| City, State, ZIP+4 <i>Overland Park, KS 66214</i> | | <input type="checkbox"/> C.O.D. | |
| PS Form 3800, June 2002 See Reverse for Instructions | | <input type="checkbox"/> (Extra Fee) <input type="checkbox"/> Yes | |



Cinergy Communications

Acct

| | | |
|-----------------------|-------------------|--|
| April 2006 | \$601.47 | Payment Not Received Due May 16, 2006 |
| March 2006 | \$567.78 | Payment Not Received Due April 16, 2006 |
| Total Past Due | \$1,169.25 | |

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number
7005 1820 0006 1154 7724

*Cinergy Communications
1419 W. Lloyd Expressway
Evansville, IN 47710*

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

06340 JDC 7/18/06

Thank you for using Return Receipt Service.

