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APR 10 2009

**PUBLIC SERVICE
COMMISSION**

April 8, 2008

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Re: Kentucky Public Service Commission Case Number 2009-00094
Connie Marshall v. Insight Phone of Kentucky, LLC

Dear Commission:

Enclosed please find the Answer of Insight Phone of Kentucky, LLC, to the allegations made by Connie Marshall in her formal complaint, case number 2009-00094.

Sincerely,

Janice M. Theriot

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

APR 10 2009

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

CONNIE C. MARSHALL)

COMPLAINANT)

V.)

MICHAEL WILNER, BARBARA HUBER AND)
INSIGHT PHONE OF KENTUCKY, LLC)

DEFENDANTS)

CASE NO.
2009-00094

ANSWER

Pursuant to the Order of the Kentucky Public Service Commission entered in this case on March 26, 2009, and served March 30, 2009, Insight Phone of Kentucky, LLC hereby answers the remaining allegations of Complainant Connie C. Marshall. The Commission's Order identifies the remaining allegations as "wrongful charges for telecommunications services that were not provided and wrongful discontinuance of telecommunications services." Commission's Order at page 5. Insight denies these wrongful allegations and respectfully states that the Commission does not have jurisdiction over the remaining allegations as Marshall received only non-regulated services.

1. Insight provided Marshall with non regulated services consisting of cable television, internet access and VoIP telephone services until February 3, 2009, at which time her services were disconnected for intentionally vexing, harassing and annoying Insight employees. As set forth in the Service Agreement that Insight has with its non-regulated telephone

customers, Insight may terminate services immediately for any customer who abuses the services. Specifically:

Customer agrees that there will be no abuse or fraudulent use of Insight Equipment, the EMTA and/or the Services and Insight reserves the right to act immediately and without notice to terminate or suspend the Services, if Insight, in its sole discretion and without any liability, (i) determines that such action is necessary to prevent or protect against abuse or fraud or to otherwise protect its employees, agents, representatives, facilities, assets or Services. Abuse, prohibited hereunder, shall include any actions or pattern of behavior by Customer that is intended to vex, harass, threaten, or annoy Insight, its employees, agents, representatives or contractors, or to otherwise disturb or interrupt Insight's operations. Fraudulent use, prohibited hereunder, shall include (i) rearranging or tampering with Insight Equipment or facilities, (ii) using the Service to gain access to another person's calling capabilities or information on an unauthorized basis, (iii) using fraudulent means or devices, tricks, schemes, false or invalid numbers or information, false representation, false credit devices to defraud or mislead callers; or (iv) refusing to provide or providing false information to Insight regarding the Customer's identity, address, credit worthiness, current or past use of telecommunications services. Insight Phone 2.0 Service Agreement, Section 7(c).

This ability to terminate abusive customers is also reflected in the tariff filed by Insight with the Commission. Specifically:

The Company may, at its discretion, terminated service to any customer who establishes a pattern of behavior with respect to the Company that is intended to vex, harass, threaten or annoy the Company, its employees or agents. A pattern of behavior is intended to vex, harass, threaten or annoy if its purpose is to disturb, irritate or interrupt the Company's operations through continued and repeated acts. Tariff No. 1, Section 2.1.6. A.3.

2. Marshall has repeatedly made numerous service requests and complaints to Insight, each of which was diligently investigated by Insight, only to find that the services were working properly. Marshall's service requests stem from her allegations that her phone calls are being interrupted and intercepted by the Federal Bureau of Investigation or some other government agency. In many cases, Marshall has not allowed Insight to investigate the

allegations by refusing to go through troubleshooting procedures requested by Insight or refusing to allow a service appoint to be scheduled by Insight. Insight has never found any problem with Marshall's services. Additionally, Marshall often uses abusive language when speaking with Insight representatives.

3. Marshall first obtained Insight services in October 2005. These services included tariffed phone services which were discontinued after Insight repeatedly investigated Marshall's service complaints and continually informed her that it found no evidence of service interrupts and that the services were working properly. This original discontinuation occurred in December 2006. At the time of the discontinuation, Marshall owed Insight \$170 for services; but Insight did not attempt to collect the amount owed.

4. In November of 2008, Marshall again obtained Insight services and again began complaining that her phone calls were being interrupted and intercepted by some government agency. She alleged that the government was sending a signal through her phone that gave her headaches. Insight began investigations but found no problem with the services.

5. In January of 2009, for example, Marshall complained to numerous Insight employees, sometimes in several calls on the same day and often with abusive language, that her phone line was tapped, and she was receiving unwanted calls from local police, FBI and the attorney general. The mayor's and governor's offices were involved also. Insight educated her on selective call rejection. She complained that those government officials were damaging her phones. Insight educated her on unplugging her phone and plugging it back in when she found no dial tone and on ascertaining whether her battery was dead. Marshall alleged that the FBI and police were recording her phone calls, slowing down her internet and rerouting her emails.

Insight attempted to troubleshoot but Marshall would not cooperate. Insight offered to schedule a service call, but Marshall refused. She accused the Insight employees of being FBI agents.

6. On January 23, 2009, Marshall claimed that because of the FBI, Mayor and government are slowing down her computer; however, Marshall refused to troubleshoot to determine if her services were running slow and hung up on the Insight representative assisting her. The next day, she demanded two months credit because Insight failed to report the FBI's acts, which she attributes to racism.

7. On January 26, 2009, Insight notified Marshall that it would terminate her services, except for her 911 access until she had a chance to obtain other service. This disconnection occurred on February 3, 2009.

8. As of this date, Marshall owes Insight \$71.17, of this amount \$32.56 is between 31 and 60 days overdue and \$38.61 is between 61-90 days overdue. Marshall has been advised that she is responsible for the outstanding debts as well as equipment owned by Insight in her possession.

9. Marshall has filed a lawsuit which was summarily dismissed in the United States District Court for the Western District of Kentucky with the same allegations, Case Number 3:06-cv-665-M. In the dismissal, the Court noted that she has sued her previous telephone provider with the same claims and received a dismissal not six months prior to filing the case against Insight. Marshall appealed the dismissal but that also was dismissed, United States Court of Appeals for the Sixth Circuit Number 07-6251. Marshall also filed an Informal Complaint with the Federal Communications Commission in February 14, 2007. FCC Complaint Number 07-B0262564. Insight provided the following explanation to the FCC:

Ms. Marshall was a customer with Insight Phone. During this time, Ms. Marshall required that Insight respond to constant unnecessary customer service and

technical trouble inquiries. Insight was extremely diligent in attempting to investigate and accommodate inquiries that have even involved her insistence to expose unrelated and personal legal affairs to various personnel. Quite often when Insight was unable to accommodate her demands, Ms. Marshall would respond by then accusing Insight of aiding various governmental agencies to spy on her, sending signals over our telephone equipment to cause physical headaches, etc.

Various levels of Insight management have had numerous conversations with Ms. Marshall and have delivered letters making her aware of how Insight will not be able to provide her services under the conditions that she demands.

Unfortunately, Ms. Marshall continued to make outlandish claims and demands and therefore, Insight Communications elected to exercise our regulatory rights to terminate all services on this account. Insight's decision was based upon a lengthy history of this customer's continuance to intentionally attempt to vex, harass and annoy our employees and operations, including sending to Insight senior management a 29-page letter accusing Insight of participating in various governmental conspiracy theories. Insight delivered the final disconnect letter via certified mail on 12/15/06 to Ms. Marshall.

Ms. Marshall was provided 911 access until January 15, 2007 to allow her to select a new local service provider.

The FCC accepted Insight's explanation. Marshall filed a previous informal complaint against Insight with the same allegation with this Commission, number 2006-03655. Insight provided the following explanation to that informal complaint:

Ms. Marshall has been a customer with Insight Communications for a few years at various addresses and accounts. During this time, Ms. Marshall has required that Insight respond to numerous unnecessary customer service and technical trouble inquiries. Insight has been extremely diligent in attempting to investigate and accommodate inquiries that have even involved her insistence to expose unrelated and personal legal affairs to various personnel. Quite often when Insight was unable to accommodate her inquiries, Ms. Marshall would respond by then accusing Insight of aiding various governmental agencies to spy on her, sending signals over our telephone equipment to cause physical headaches, etc.

Various levels of Insight management have had numerous conversations with Ms. Marshall and have delivered the attached letters making her aware of how Insight will not be able to provide her services under the conditions that she is demanding.

Unfortunately, Ms. Marshall did not heed our warnings and therefore, Insight Communications has elected to exercise our regulatory rights to immediately terminate all services on this account. Insight's decision was based upon a lengthy history of this customer's continuance to intentionally attempt to vex, harass and annoy our employees and operations, including most recently sending to Insight senior management a 29-page letter accusing Insight of participating in various governmental conspiracy theories. Insight delivered the final disconnect letter via certified mail on 12/15/06 to Ms. Marshall.

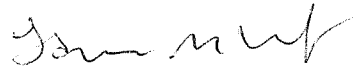
Ms. Marshall is being provided 911 access until January 15, 2007 to allow her to select a new local service provider.

We trust that this provides your office with the information required in this matter. Please do not hesitate to contact me directly should you have any questions or need additional information.

10. Insight expressly denies that Marshall has not received exactly the services she requested. Insight terminated those services because Marshall will not participate in Insight's troubleshooting or allow Insight to investigate yet she will continually call Insight, sometimes several times in one day, about her perfectly working services. Her actions fit exactly the definition of pattern of behavior intended to vex, harass, threaten or annoy set out in Insight's Service Agreement and quoted above. Insight cannot keep accommodating Marshall's harassment and need not do so. Furthermore, Marshall will not be satisfied by Insight's services regardless of Insight's actions. Finally, as Marshall has only unregulated services, this Commission has no jurisdiction to hear her complaints.

WEREFOR, Insight prays that all allegations and claims against it be dismissed with prejudice.

Respectfully Submitted,



Janice M. Theriot
Zielke Law Firm, PLLC
1250 Meidinger Tower
Louisville, KY 40202

Certificate of Service

The undersigned hereby certifies that a true copy of the Answer filed by Insight Phone of Kentucky LLC in this case was served via U.S. Mail postage prepaid this the 8th day April 2009 on the following:

Connie Marshall
1814 South 23rd Street
Louisville, KY 40210

A handwritten signature in cursive script, appearing to read "Connie Marshall", written in black ink.

Counsel for Insight Phone of Kentucky, LLC