

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT JAMES WALCZAK	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 96-193
	)	
WEST KENTUCKY RURAL TELEPHONE	)	
COOPERATIVE CORPORATION	)	
	)	
DEFENDANT	)	

O R D E R

On April 29, 1996, Robert James Walczak filed a Complaint against West Kentucky Rural Telephone Cooperative Corporation ("West Kentucky RTCC") alleging that it charged business rates for residential lines dedicated to computer use. On May 14, 1996, Mr. Walczak filed a similar Complaint against West Kentucky RTCC.

On June 24 and 27, 1996, West Kentucky RTCC filed its responses to the Complaints and on August 12, 1996, it filed additional information. In its responses, West Kentucky RTCC states that the rates it charged are permissible under its filed tariff. According to its interpretation of the tariff, "the major criteria [sic] for the difference in business rates and residence rates was the increased usage of switching equipment and network . . . ."

After discussions with Commission Staff, West Kentucky RTCC, on September 23, 1996, filed with the Commission a proposed plan of resolution wherein it abandons the "increased-usage" criterion. The plan also includes an offer to issue refunds and make

rate adjustments.<sup>1</sup> A list containing the names and addresses of customers to whom West Kentucky RTCC would voluntarily issue refunds and make adjustments is attached to the proposed plan.


The Commission, having reviewed the evidence of record and being otherwise sufficiently advised, finds that West Kentucky RTCC's proposal should be accepted as a reasonable resolution of all issues raised in this proceeding. The Commission further finds that Mr. Walczak's Complaint should be dismissed as satisfied. The actions taken by West Kentucky RTCC are not only corrective, but also preventive.

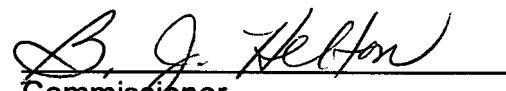
IT IS THEREFORE ORDERED that West Kentucky RTCC's proposed plan of resolution shall be accepted and Mr. Walczak's Complaint shall be dismissed as satisfied without further Order of the Commission if, within 10 days from the date of this Order, Mr. Walczak fails to file a response to West Kentucky RTCC's proposal.

Done at Frankfort, Kentucky, this 6th day of November, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

<sup>1</sup> On October 4, 1996, West Kentucky RTCC filed with the Commission a letter stating that all refunds and rate adjustments had been made.