



Inc. discovered this discrepancy and reported it to WKRTCC in November 2002. J.C. Investors, Inc. subsequently switched its long-distance service to IDT, and WKRTCC credited J.C. Investors, Inc.'s account for the overcharge. J.C. Investors, Inc. believed that the credit was insufficient and that WKRTCC owes additional credit. Accordingly, Mr. Conway, on behalf of J.C. Investors, Inc., filed a formal complaint with the Commission.

On March 3, 2003, the Commission issued an Order rejecting J.C. Investors, Inc.'s complaint and ordering J.C. Investors, Inc. to retain an attorney to file an amended complaint and represent J.C. Investors, Inc. before the Commission.

On March 14, 2003, Mr. Conway, on behalf of J.C. Investors, Inc., filed a motion for a 14-day extension of time in which to retain counsel. Mr. Conway did not state any grounds for the motion.

The Commission denied Mr. Conway's motion for an extension of time and dismissed J.C. Investors, Inc. as a party to this case. However, the Commission, on its own motion and pursuant to KRS 278.260(1), conducted an investigation regarding the allegations of inappropriate billing and improperly calculated refunds. The Commission found that sufficient issues existed regarding WKRTCC's provision of service to J.C. Investors, Inc. to warrant an investigation.

In June 2003, Mr. Conway informed the Commission that a tornado had struck his residence, which doubled as J.C. Investors, Inc.'s offices, and, hence, both would move to another facility located outside of WKRTCC's service territory. Subsequently, WKRTCC informed the Commission that Mr. Conway had disconnected J.C. Investors,

Inc.'s service and moved from WKRTCC's service territory. WKRTCC submitted J.C. Investors, Inc.'s billing history and final bill with this notification.

### DISCUSSION

It is uncontested that WKRTCC over-billed J.C. Investors, Inc. for long-distance service and that WKRTCC owed J.C. Investors, Inc. a refund. WKRTCC issued a refund and claims that J.C. Investors, Inc. is in arrears, while J.C. Investors, Inc. claims that the refund was inadequate and a properly calculated refund would be sufficient to pay any of J.C. Investors, Inc.'s unpaid bills. Neither party is wholly correct.

The evidence of record shows that J.C. Investors, Inc. was routinely late in payment of its bills. J.C. Investors, Inc., on average, was 1 month late in paying its bills. These late payments began prior to J.C. Investors, Inc. discovering that it was receiving the incorrect long-distance service. WKRTCC properly assessed late-payment penalties to J.C. Investors, Inc.'s account.

Between December 2001 and February 2003, J.C. Investors, Inc. used 962 minutes of interstate long-distance service and 2,015 minutes of intrastate long-distance service. For this, WKRTCC charged J.C. Investors, Inc. \$312.96. Had IDT been J.C. Investors, Inc.'s long-distance provider, IDT would have charged \$208.68, leaving an overcharge of \$104.90. With the taxes adjusted, the total overcharge was \$117.49. WKRTCC issued a refund to J.C. Investors, Inc. on December 5, 2002 in the amount of \$48.73. The total refund remaining is \$68.76. The record does not show that WKRTCC applied this refund to J.C. Investors, Inc.'s final bill.

J.C. Investors, Inc.'s final bill for unpaid services is \$276.69. J.C. Investors, Inc. has a security deposit of \$114.37 and a credit due (from the long-distance overcharge)

of \$68.76. When these are subtracted, J.C. Investors, Inc. s final bill is \$93.36. This is the full amount for which J.C. Investors, Inc. is liable to WKRTCC.

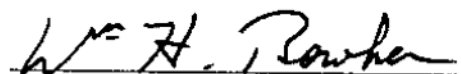
IT IS THEREFORE ORDERED that:

1. WKRTCC shall adjust J.C. Investors, Inc. s final amount due to reflect the findings herein.
2. This case is dismissed and is removed from the Commission s docket.

Done at Frankfort, Kentucky, this 18<sup>th</sup> day of September, 2003.

By the Commission

ATTEST:

  
Deputy Executive Director