

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHARLES BERNARD LUBER	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2003-00484
	)	
IDT AMERICA CORP.	)	
	)	
DEFENDANT	)	

O R D E R

On December 10, 2003, Charles Bernard Luber (“Complainant”) filed a formal complaint against IDT America Corp. (“IDT”) alleging that IDT had improperly charged him for calls to his Internet service provider (“ISP”). Specifically, Complainant alleges that his ISP is accessed via a cable modem and, therefore, it is physically impossible to incur charges for calling his ISP.

On December 24, 2003, the Commission issued an Order to IDT to satisfy or answer the complaint. In the Order, pursuant to 807 KAR 5:001, Section 12, the Commission ordered IDT to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of the Order. IDT’s answer was due no later than January 5, 2004.

As of the date of this Order, IDT has filed neither an answer with the Commission nor a request for an extension of time, in violation of the Commission’s December 24, 2003 Order.

IT IS THEREFORE ORDERED that:

1. Within 10 days of the date of this Order, IDT shall respond to the allegations contained in Complainant's complaint.

2. If, within 10 days of the date of this Order, IDT fails to either answer or satisfy the complaint, the Commission will grant default judgment in favor of the Complainant, with the associated consequence that IDT may be subject to the sanctions described in KRS 278.990.

Done at Frankfort, Kentucky, this 22<sup>nd</sup> day of January, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas H. O'Dell", written over a horizontal line.

Executive Director