

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 American Corp. ("IDT"), alleging that IDT had improperly charged him for calls to an Internet service provider ("ISP"). Specifically, Complainant alleges that his ISP is accessed via a cable modem and no phone line is connected to his computer; therefore, it is physically impossible to incur charges for calling his ISP.

On December 24, 2003, the Commission issued an Order to Satisfy or Answer to IDT. 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. The Commission received no answer.

On January 22, 2004, the Commission issued a second Order requiring IDT to answer the allegations in the complaint and warning IDT that failure to comply with the

Order would result in summary judgment in Complainant's favor and imposition of penalties under KRS 278.990. IDT filed its response on February 9, 2004, claiming to have satisfied the complaint by issuing a \$43.97 credit to Complainant for the disputed charges on September 9, 2003. IDT issued a further credit of \$34.76 and claims that Mr. Luber has an outstanding balance of \$40.58 for undisputed calls.

IT IS THEREFORE ORDERED that:

1. Within 20 days of the date of this Order, Complainant may notify the Commission that IDT's credit is adequate to satisfactorily resolve his complaint.
2. If, within 20 days of the date of this Order, Complainant does not notify the Commission that his complaint is satisfactorily resolved, this case shall be dismissed without further Order of the Commission.

Done at Frankfort, Kentucky, this 11th day of March, 2004.

By the Commission

ATTEST:


Executive Director