

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRANDENBURG TELECOM LLC )  
 )  
COMPLAINANT )  
 )  
v, ) CASE NO. 2006-00340  
 )  
CINERGY COMMUNICATIONS COMPANY )  
 )  
DEFENDANT )

ORDER TO SATISFY OR ANSWER

Cinergy Communications Company ("Cinergy ") is hereby notified that it has been named as defendant in a formal complaint filed on July 7, 2006, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Cinergy is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 18th day of July, 2006.

By the Commission

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

COPY

RECEIVED

JUL 7 2006

PUBLIC SERVICE  
COMMISSION

In the Matter of:

BRANDENBURG TELECOM LLC )  
 )  
 Complainant )  
 )  
 v. )  
 )  
 )  
 CINERGY COMMUNICATIONS )  
 COMPANY )  
 Defendant )

Case No. 2006-00340

FORMAL COMPLAINT

Brandenburg Telecom LLC ("Brandenburg Telecom"), by counsel, for its formal complaint against Cinergy Communications Company ("Cinergy"), pursuant to KRS 278.030, hereby states as follows.

1. The full name and address of Brandenburg Telecom is Brandenburg Telecom LLC, 200 Telco Drive, PO Box 599, Brandenburg, Kentucky 40108. Brandenburg Telecom is a local exchange carrier authorized to provide telecommunications services in the Commonwealth of Kentucky. Brandenburg Telecom is a Kentucky limited liability company.

2. The full name and address of Cinergy is Cinergy Communications Company, 1419 W. Lloyd Expressway, Evansville, Indiana 47710. Cinergy is a long distance carrier authorized to provide telecommunications services in the Commonwealth of Kentucky. Cinergy is a Kentucky corporation.

3. The facts supporting this complaint are set forth more fully below; but briefly, this complaint concerns Cinergy's refusal to pay Brandenburg Telecom for charges incurred with respect to access services provided to Cinergy by Brandenburg Telecom, pursuant to the Duo County Tariff

and the National Exchange Carrier Association, Inc. ("NECA") Tariff, each of which Brandenburg Telecom has opted-into.

#### APPLICABLE LAW

4. Pursuant to KRS 278.040, the Public Service Commission of the Commonwealth of Kentucky ("Commission") has jurisdiction "over the regulation of rates and service of utilities" within the Commonwealth.

5. Pursuant to KRS 278.260, the Commission is vested with the express authority to investigate and remedy "complaint as to rates or service of any utility."

6. Pursuant to KRS 278.030 (1), "[e]very utility may demand, collect and receive fair, just and reasonable rates for the services rendered or to be rendered by it to any person." (Emphasis added). Subsection (2) of KRS 278.030 allows a utility to "employ in the conduct of its business suitable and reasonable classifications of its service, patrons and rates."

#### STATEMENT OF THE FACTS

7. Brandenburg Telecom has regularly invoiced Cinergy for the services it provides.

8. On May 24, 2006, Brandenburg Telecom sent Cinergy a letter requesting payment for past due invoices from March and April 2006, in the amount of \$1,169.25. (*See Exhibit 1 attached.*) Brandenburg Telecom requested for Cinergy to provide payment in full by May 29, 2006 to avoid potential disconnection. (*See id.*)

9. Cinergy has not disputed the aforementioned invoices.

10. Cinergy has failed to pay for the past due amount of \$1,169.25 and current charges from the June 16, 2006 invoice, in the amount of \$656.90.

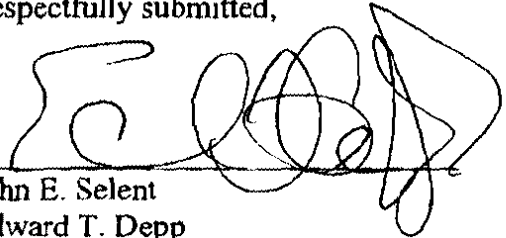
11. Cinergy has not responded to Brandenburg Telecom's request for payment.

12. Brandenburg Telecom has initiated this formal complaint to collect full payment from Cinergy for services rendered to it.

**WHEREFORE**, Brandenburg Telecom respectfully requests that the Commission take the following actions:

1. Order Cinergy to pay immediately for past services rendered by Brandenburg Telecom, in the amount of \$1,169.25.
2. Order Cinergy to pay immediately for current services (as reflected in Brandenburg Telecom's June 16, 2006 invoice to Cinergy) rendered by Brandenburg Telecom, in the amount of \$656.90.
3. Order Cinergy to pay timely for future services rendered by Brandenburg Telecom or face termination of services from Brandenburg Telecom, pursuant to 807 KAR 5:006.
4. Grant Brandenburg Telecom any and all other legal and equitable relief to which it is entitled.

Respectfully submitted,



John E. Selent  
Edward T. Depp  
Holly C. Wallace  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 W. Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300 (telephone)  
(502) 585-2207 (facsimile)

**COUNSEL TO BRANDENBURG  
TELECOM LLC**

**BRANDENBURG TELECOM**

200 Telco Drive  
Brandenburg, KY 40108  
270-422-2121

May 24, 2006

Cinergy Communications  
Attn: Bill Audit  
8829 Bond Street  
Overland Park, KS 66214

RE: Facility Access

Dear Accounts Payable:

Our records show that your account is past due. The total amount due is \$1,169.25. See enclosed breakdown of all charges. In order to continue service, the total payment must be in our office by Monday, May 29, 2006, or service could be disconnected. Once disconnected, it will be necessary for you to pay the amount past due and all applicable charges before service can be restored.

If you have any questions, please call me at (270) 422-2121.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse.		A. Signature X <i>Bill Audit</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
U.S. Postal Service™ <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)		B. Recipient Name <i>berly</i>	C. Date of Delivery
For delivery information visit our website at www.usps.com		Is different from item 17 very address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>OFFICIAL USE</b>			
Postage \$	<i>39</i>		
Certified Fee	<i>240</i>		
Return Receipt Fee (Endorsement Required)	<i>185</i>		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	<i>\$4.64</i>		
Sent To: <i>Cinergy Communications</i>		<input type="checkbox"/> Express Mail	
Attn: <i>Bill Audit</i>		<input type="checkbox"/> Return Receipt for Merchandise	
Street, Apt. No., or PO Box No. <i>8829 Bond Street</i>		<input type="checkbox"/> C.O.D.	
City, State, ZIP+4 <i>Overland Park, KS 66214</i>		<input type="checkbox"/> (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3800, June 2002. See Reverse for Instructions		102595-02-M-1540	

*4403*  
*the 5/24/06*

**EXHIBIT**  
**1**

Cinergy Communications

Acct

April 2006	\$601.47	Payment Not Received Due May 16, 2006
March 2006	\$567.78	Payment Not Received Due April 16, 2006
<b>Total Past Due</b>	<b>\$1,169.25</b>	