

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                |   |                     |
|--------------------------------|---|---------------------|
| ERNEST LEE UPCHURCH            | ) |                     |
|                                | ) |                     |
| COMPLAINANT                    | ) |                     |
|                                | ) |                     |
| V.                             | ) | CASE NO. 2006-00364 |
|                                | ) |                     |
| INSIGHT PHONE OF KENTUCKY, LLC | ) |                     |
|                                | ) |                     |
| DEFENDANT                      | ) |                     |

O R D E R

On July 24, 2006, Ernest Lee Upchurch ("Complainant") filed a complaint against Insight Phone of Kentucky, LLC ("Insight") disputing a bill containing charges for long-distance service. Complainant claimed that Insight offered him a calling package for a monthly fee of \$30 that included 3 free hours of long-distance service per month. Complainant also claimed that the Insight employee installing his cable service stated that for an additional \$10 a month, Complainant could receive unlimited long-distance service. Complainant stated that he accepted this offer. Subsequently, Complainant received a bill from Insight that contained charges for long-distance usage. Complainant alleges that he should not be billed for these charges as he is on an unlimited plan.

On August 4, 2006, the Commission entered an Order directing Insight to answer or to satisfy the complaint. On August 15, 2006, Insight filed its response, asserting that its internal sales documents indicate that Complainant is receiving service under a

calling plan that provides for 3 free hours of long-distance calls. However, Insight claims that it “strives to provide customer satisfaction”<sup>1</sup> and has added the unlimited feature to Complainant’s calling plan and has issued a full credit of \$207.20 (the long-distance charges exceeding the 3-hour limitation) to Complainant’s account.

Pursuant to 807 KAR 5:001, Section 12(5), after an offer of satisfaction by a defendant, a complainant’s acceptance of the offer, and the Commission’s approval, no further proceedings are necessary. It appears that Insight has offered to satisfy the matters in the complaint. As of the date of this Order, the Commission has received nothing from the Complainant to indicate whether he will accept or reject Insight’s offer of satisfaction.

IT IS THEREFORE ORDERED that:

1. Within 10 days of the date of this Order, Complainant shall file with the Commission notice of his acceptance or rejection of Insight’s offer of satisfaction.
2. If no such filing is received within the time allowed herein, the complaint shall be considered satisfied and this case shall be closed.

Done at Frankfort, Kentucky, this 21<sup>st</sup> day of August, 2006.

By the Commission

ATTEST:

  
Executive Director

---

<sup>1</sup> Answer of Insight at 1.