

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WISPNET, LLC)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00413
)	
XSPEDIUS COMMUNICATIONS)	
)	
DEFENDANT)	

O R D E R

Wisnet, LLC (“Wisnet”) has filed a formal complaint with the Commission against Xspedius Communications (“Xspedius”). On November 1, 2006, Xspedius filed its answer and made a counterclaim against Wisnet. In order to fully develop the record in this case, the Commission finds that it is necessary to establish a procedural schedule. The Commission also requires additional information from the parties and attaches hereto as Appendices A and B its data requests.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set out below shall be followed.
2. On or before January 30, 2007, Wisnet shall file its answer to the counterclaim of Xspedius.
3. On or before January 30, 2007, the parties may file their data requests with the Commission and serve a copy upon all parties of record.

4. On or before February 13, 2007, the parties shall respond to all data requests.

5. On or before February 27, 2007, the parties shall notify the Commission if they request a formal hearing. If no hearing is requested by this date, the matter shall be submitted to the Commission for a decision based on the existing record.

6. In the event either party requests a hearing, the Commission will issue an Order scheduling a hearing and addressing the remaining procedural events.

Done at Frankfort, Kentucky, this 17th day of January, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2006-00413 DATED January 17, 2007

COMMISSION STAFF'S FIRST DATA REQUEST
TO WISPNET, LLC

Pursuant to 807 KAR 5:001, Wispnet is requested to file with the Commission the original and 6 copies of the following information, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure that it is legible. Where information requested herein has been provided, in the format requested herein, reference may be made to the specific location of said information in responding to this information request.

1. Provide substantiation for the requested refund of \$21,081 plus interest. Include copies of bills, cancelled checks, and other information to show the amount paid.
2. Provide a copy of the contract which provides for the services in dispute.
3. Provide copies of any written correspondence concerning this dispute between the parties.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2006-00413 DATED January 17, 2007

COMMISSION STAFF'S FIRST DATA REQUEST TO XSPEDIUS COMMUNICATIONS

Pursuant to 807 KAR 5:001, Xspedius is requested to file with the Commission the original and 6 copies of the following information, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure that it is legible. Where information requested herein has been provided, in the format requested herein, reference may be made to the specific location of said information in responding to this information request.

1. Provide substantiation of the \$7,026.88 credit issued and the \$7,415.22 plus interest requested counterclaim. Include copies of bills, account history, and other information to show the amounts.
2. Provide a copy of the contract which provides for the services in dispute.
3. Provide copies of any written correspondence concerning this dispute between the parties.
4. Provide copies of information related to the disconnection of services for Wispnet, including service orders or work orders.