

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF TOLL AND ACCESS)
CHARGE PRICING AND TOLL SETTLEMENT) CASE NO. 8838
AGREEMENTS FOR TELEPHONE UTILITIES) PHASE I
PURSUANT TO CHANGES TO BE EFFECTIVE)
JANUARY 1, 1984)

AND

DETARIFFING BILLING AND) ADMINISTRATIVE
COLLECTION SERVICES) CASE NO. 306

O R D E R

This Order addresses the following pending motions of Intellicall, Inc. ("Intellicall") and Coin Phone Management Company's ("Coin Phone Management"): 1) to modify the August 17, 1990 Order; 2) to take depositions; 3) for informal conference; and 4) to clarify the scope of the December 11, 1990 hearing. This Order denies all of the motions for the following reasons.

Intellicall and Coin Phone Management filed a motion on September 21, 1990 requesting that the August 17, 1990 Order be modified to allow parties to modify, supplement, and amend their direct pre-filed testimony if any party believes it necessary, upon the basis of any discovery. The Commission finds that the parties to this proceeding have had extensive opportunity to present testimony and responses to data requests and may supplement testimony during the December 11, 1990 hearing as necessary.

On September 21, 1990, Intellicall and Coin Phone Management filed a motion to take the deposition of South Central Bell Telephone Company ("South Central Bell") pursuant to KRS 278.340. In support of their motion, Intellicall and Coin Phone Management stated that the central issue appears to be whether the Commission will authorize local exchange carriers to bill and collect for vendor charges in connection with 900 and 976 services. The motion states that they seek to explore whether South Central Bell interprets its billing and collection services tariff as authorizing it to bill and collect for some non-utility untariffed services and the identity of non-utility untariffed services for which South Central Bell provides billing and collection services. South Central Bell opposes the motion and states that KRS 278.340 provides that depositions may be taken only at the discretion of the Commission. South Central Bell takes the position that the Commission's procedural schedule provides due process rights to Intellicall and Coin Phone Management. South Central Bell further argues that the request for deposition is premature because testimony and data requests and responses pursuant to the procedural schedule have not yet been filed.

KRS 278.340 states that:

The commission itself may take depositions, or grant deposition rights at its discretion to any party in a proceeding before the commission. Depositions in commission proceedings shall be taken in accordance with the Rules of Civil Procedure.

All relevant issues about which Intellicall and Coin Phone Management seek to depose South Central Bell witnesses may be

thoroughly explored by Intellicall and Coin Phone Management at the December 11, 1990 hearing.

Intellicall and Coin Phone Management seek an informal conference with the Commission Staff pursuant to 807 KAR 5:001, Section 4(4), which provides:

In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

Intellicall and Coin Phone Management request the following items be addressed at an informal conference: the length of the December 11, 1990 hearing, the Order of proof and the Order of cross-examination at the December 11, 1990 hearing, the status of billing and collection services presently provided by the local exchange carriers, the factual issues involved, especially whether any exchange carrier other than South Central Bell has tariff prohibitions against providing billing or collection services, clarification of whether the lawfulness and reasonableness of South Central Bell's billing and collection services tariff is at issue in this case, determination of whether it is possible to stipulate any facts or to resolve any legal issues prior to the hearing, and other related issues.

Intellicall and Coin Phone Management also moved that the Commission issue an Order clarifying that the lawfulness and reasonableness of the South Central Bell billing and collection services tariff, including the provisions that limit billing and

collection services to "certified ICs", is the subject of this proceeding and the December 11, 1990 hearing.

South Central Bell states that Intellicall and Coin Phone Management are merely attempting to expand and complicate the issues before the Commission and that the Commission has already clarified the scope of the December 11, 1990 hearing. South Central Bell asserts that its billing and collection services tariff is consistent with the Commission's policies and orders and is not and never has been the issue of this proceeding.

Intellicall and Coin Phone Management state that South Central Bell's argument is based on the justification that its tariff is based on the Commission policy prohibiting local exchange carriers from billing and collecting for non-utilities or for untariffed services. Intellicall and Coin Phone Management argue that this Commission policy has now been stayed and that should the Commission determine to revise its local exchange carrier billing and collection services policies, then South Central Bell's tariff should not stand in the way of entities receiving the billing and collection services of South Central Bell.

An informal conference can only delay the resolution of the issues before us. The reasonableness of local exchange carriers' billing and collection practices is already at issue. The Commission will review and establish a billing and collection policy and, subsequent to the establishment of this policy, require that the policy be incorporated into all local exchange

carrier tariffs which are applicable to the provision of billing and collection services.

The Commission hereby establishes the following order of presentation of witnesses for the December 11, 1990 hearing:

1. South Central Bell Telephone Company
2. GTE South Incorporated
3. Cincinnati Bell Telephone Company
4. Contel of Kentucky, Inc.
5. AT&T Communications of the South Central States, Inc.
6. US Sprint Communications Limited Partnership Company
7. Intellicall, Inc.
8. Coin Phone Management Company
9. Integretel, Inc.
10. Telesphere Network, Inc.
11. Operator Assistance Network

IT IS HEREBY ORDERED that:

1. The September 21, 1990 motion of Intellicall and Coin Phone Management to modify the August 17, 1990 Order is hereby denied.

2. The September 21, 1990 motion of Intellicall and Coin Phone Management to take depositions of South Central Bell is hereby denied.

3. The October 16, 1990 motions of Intellicall and Coin Phone Management for an informal conference and to clarify the scope of the December 11, 1990 hearing are hereby denied.

Done at Frankfort, Kentucky, this 6th day of December, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director