

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MIDWEST FIBERNET INC.)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO PROVIDE) CASE NO. 90-101
INTERLATA INTEREXCHANGE SERVICES)
WITHIN KENTUCKY AS A NON-DOMINANT)
CARRIER)

O R D E R

IT IS ORDERED that Midwest Fibernet Inc. ("MFI") shall file the original and ten copies of the following information with the Commission, with a copy to all parties of record. Each copy of the information requested should be placed in a bound volume with each item tabbed. Include in each response the name of the witness who will be responsible for responding to questions relating to the information provided.

The information requested herein is due no later than June 29, 1990. If the information cannot be provided by this date, MFI should submit a motion for an extension of time stating the reason a delay is necessary and include a date by which it can be furnished. Such a motion will be considered by the Commission.

1. Refer to Section 2.1 of the Original Sheet No. 1 of the proposed tariff.

a. Does MFI have any agreement with any agency for acting as customer's agent?

b. Does customer sign such agreement? Clarify and provide a revised tariff sheet.

2. Refer to Section 2.7.5 of the Original Sheet No. 8 of the proposed tariff. Is MFI aware that "Advance Payments" should be limited to one month or next billing period and it should be limited to charges that are always collected in advance, otherwise the payment should be a deposit? Clarify and provide a revised tariff sheet.

3. Refer to Section 2.7.6 of the Original Sheet No. 9 of the proposed tariff. Define "segment" in this context. Provide a revised tariff sheet.

4. Refer to Section 2.10 of the Original Sheet No. 16 of the proposed tariff. Is MFI aware that "Specialized Service or Arrangements" are subject to the Commission's approval? Provide a revised tariff sheet consistent with this matter.

5. Refer to Section 3.1.2 of the Original Sheet No. 1 of the proposed tariff, "Service-Points." Specify that the service is only interLATA and provide a revised tariff sheet.

6. Refer to section 3.1.4(b) of the Original Sheet No. 1 of the proposed tariff. Correct "Mpbs" to "Mbps" and provide a revised tariff sheet.

7. Refer to Section 3.2.4(c) of the Original Sheet No. 3 of the proposed tariff.

a. Is MFI aware that "Special Access WATS" may only be provided under the following conditions:

1. MFI should measure and report interstate and intrastate jurisdictional usage and interLATA and

intraLATA usage and should file the reports with the Commission on a quarterly basis.

2. MFI should inform prospective customers that the use of this service to complete intraLATA calls is not authorized by the Commission.

3. MFI should compensate local exchange companies for unauthorized call completion.

b. WATS service is redundant, the "S" in "WATS" stands for "service." Clarify and provide a revised tariff sheet.

8. Refer to Section 3.2.5(A) of the Original Sheet No. 4 of the proposed tariff, where it says "The mileage measurements for facilities provided under this tariff are determined by the vertical and horizontal method (V&H) in accordance with appropriate regulations in American Telephone and Telegraph Company Tariff No. 10.0." (emphasis added) Is MFI aware that the reference to a tariff should be limited to a Kentucky tariff or, if not, MFI is responsible to assure that the Commission has a copy of Federal Communications Commission's tariff referenced? Clarify.

9. Refer to Section 3.2.5(D) of the Original Sheet No. 4 of the proposed tariff.

a. What is "standard industry accelerated first minute pricing?"

b. Specify which services are billed in full minutes and which services are billed in partial minute increments. What type of rounding is used in partial minutes? Clarify and provide a revised tariff sheet.

10. Refer to Section 4.3 of the Original Sheet No. 1 and Section 4.4 of the Original Sheet No. 2 of the proposed tariff.

a. Specify actual rate charges.

b. Is MFI aware that cellular companies have minimum and maximum ranges, while they have "a price list" addendum to tariff. Clarify and provide a revised tariff sheet.

11. Refer to Section 4.3(D) of the Original Sheet No. 1 of the proposed tariff. Is MFI aware that "Multiple Service Discounts" require prior Commission approval? Clarify and provide a revised tariff sheet.

12. Refer to Section 4.4(B) & (E) of the Original Sheet No. 2 of the proposed tariff. Is MFI aware that "Channel Terminations" and "Multiple Service Discounts" require prior Commission approval? Clarify and provide a revised tariff sheet.

13. Refer to Section 4.5 of the Original Sheet No. 3 of the proposed tariff.

a. Specify rates.

b. Identify separately time-of-day rates and time periods.

c. The problems about minimum and maximum as mentioned in question 10 exist in this section too. Also, "Individual Case Basis," as mentioned earlier needs prior Commission approval. Clarify and provide a revised tariff sheet.

14. Refer to Section 5.1 of the Original Sheet No. 1 of the proposed tariff.

a. Is MFI aware that most "Local Access Services" cannot be resold?

b. To avoid confusion, change this terminology to "Special Access" and provide a revised tariff sheet.

15. Has MFI ever provided and/or collected any money from the public for the provision of intrastate telecommunications services in Kentucky? If so, explain in detail.

16. Identify the carriers whose services MFI intends to resell.

17. If MFI intends to resell tariffed services of facilities-based carriers, identify these tariffed services and specify whether these services will be obtained from intrastate or interstate tariffs.

18. If MFI intends to resell services that are not available under an approved tariff, provide copies of the contracts which govern the terms of the agreement between MFI and its carriers.

19. Provide a clear and legible sketch showing all the switching locations and/or points-of-presence. Show how the facilities obtained from facilities-based carriers will be used to connect these locations. Include local access facilities and identify the local access that will be used.

20. State whether MFI is aware of the Commission's rules, restrictions, and prohibition against providing intraLATA services by non-local exchange facilities-based carriers. Explain in detail how MFI will comply with those restrictions.

21. If switching locations and/or points-of-presence are located outside the Commonwealth of Kentucky, explain how MFI will ensure that intrastate access charges will be paid.

22. Explain how MFI will screen intraLATA traffic if MFI intends to resell services or facilities authorized only for interLATA traffic but which can carry intraLATA traffic.

23. Does MFI own and/or operate any transmission facilities in the Commonwealth of Kentucky or any other jurisdiction? If so, explain.

24. Does MFI have any affiliation with any other company which owns and/or operates any transmission facilities in any jurisdiction? If so, explain.

25. Specify the Kentucky counties which MFI proposes to serve.

26. Describe how calls will be transported from the customer's premises to the operator service centers. Include identification of MFI's switching locations, operator service locations, and identification of services and providers of the services being resold.

27. Specify the facilities and/or services used by MFI to transport calls from the customer's premises to MFI's originating point-of-presence, such as the types of access utilized (Feature Groups A, B, or D, Special Access, WATS, etc.). Identify the local exchange companies from whom such access and/or services are purchased.

28. Provide a description of how such calls are transported to final termination points. Specify the facilities and/or services used to terminate calls.

29. Explain in detail how MFI handles emergency calls.

30. Does MFI seek authority to provide operator-assisted services? If so, is MFI able to comply with each of the conditions of service for operator-assisted services detailed in the September 8, 1989 and January 15, 1990 Orders in Administrative Case No. 330?¹ Provide a detailed explanation of compliance for each condition of service.

31. Provide an estimate of sales revenues for MFI's first 2 years of Kentucky operations. Explain how MFI arrived at these estimates. If estimates are based upon a market study, provide a copy of this study.

32. Provide a listing of financial institutions with which MFI has a line of credit. State MFI's credit line with each of these institutions.

33. Explain in detail the qualifications and experience of personnel directly responsible for the proposed services.

34. State whether MFI is aware of the potential impact of Administrative Case Nos. 323 and 328,² now pending before this Commission, that may apply to MFI's Kentucky operations.

¹ Administrative Case No. 330, Policy and Procedures in the Provision of Operator-Assisted Telecommunications Services.

² Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality; Administrative Case No. 328, Investigation Into Whether WATS Resellers Should Be Included in the ULAS Allocation Process.

35. Provide a toll-free number or provision for accepting collect calls for customer complaints.

Done at Frankfort, Kentucky, this 31st day of May, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director