

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO ALLEGED UNAUTHORIZED	)	
ACTIVITY OF NCN COMMUNICATIONS, INC.,	)	
NATIONAL COMMUNICATIONS NETWORK, AND ATS	)	
COMMUNICATIONS, INC.	)	CASE NO.
	)	90-176
_____	)	
	)	
ALLEGED VIOLATIONS OF KRS CHAPTER 278	)	

O R D E R

The Commission initiated this investigation into the alleged unauthorized activity of NCN Communications, Inc., National Communications Network, and ATS Communications, Inc. ("collectively NCN") for the provision of service in violation of KRS Chapter 278, specifically 278.010(3)(e), 10 and 11, and KRS 278.160. Based on information it had obtained, the Commission found a prima facie showing had been made that NCN was charging rates and providing service not contained in schedules filed with the Commission in violation of KRS Chapter 278.

By Order dated November 21, 1990, the Commission required NCN to appear for a hearing to show cause why it should not be penalized pursuant to KRS 278.990 for failing to comply with KRS 278.160 or required to refund all monies collected for the provision of intrastate service or both. As an alternative to appearing at a hearing, NCN could file a plan for refunding all

monies collected from its customers for Kentucky intrastate services.

On February 1, 1991, the Commission entered an Order cancelling the scheduled hearing based on a motion to cancel from NCN. In support of its motion, NCN had stated that it believed an agreement could be reached concerning a refund procedure without a hearing. NCN has by this motion agreed to refund Kentucky ratepayers for charges collected for intrastate service from the date it began providing service in Kentucky through the date of this Order. However, the motion is silent about the possible assessment of a penalty pursuant to KRS 278.990 as mentioned in the November 21, 1990 Order.

The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that NCN notify the Commission within seven days of the date of this Order whether it requests a hearing concerning the possible assessment of penalties for unauthorized service or whether it will agree that the matter be submitted for the Commission's final decision without a formal public hearing.

Done at Frankfort, Kentucky, this 11th day of June, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director