

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ROBERT CEFAIL AND)	
ASSOCIATES AMERICAN INMATE)	
COMMUNICATIONS, INC., FOR A)	CASE NO.
CERTIFICATE OF CONVENIENCE AND)	90-275
NECESSITY TO PROVIDE INTEREXCHANGE)	
TELECOMMUNICATIONS IN KENTUCKY)	

O R D E R

On September 7, 1990, the Commission received an application from Robert Cefail and Associates American Inmate Communications, Inc. ("R.C.A.A.I.C.") to provide intrastate telecommunications services in Kentucky. The Commission required R.C.A.A.I.C. to file information by Orders dated October 11, 1990 and January 22, 1991. R.C.A.A.I.C. filed responses on November 12, 1990 and November 27, 1990, but has filed no responses to the January 22, 1991 Order. R.C.A.A.I.C. filed a motion to withdraw its application, but that motion was not signed by counsel nor even signed by the person submitting it. The motion was returned to R.C.A.A.I.C. with a request that it be resubmitted by counsel within 10 days from the date of the letter. The motion was not resubmitted within that time.

In response to Item 1 of a Commission data request received November 12, 1990, R.C.A.A.I.C. asserts that it has not ever provided service and/or collected any money from the public for

the provision of intrastate telecommunications services in Kentucky.

Moreover, contracts for the provision of operator-assisted services filed in response to Item 16 of the October 11, 1990 Order clearly demonstrate that R.C.A.A.I.C. is engaged in the business of providing pay telephones. The Commission initiated a proceeding concerning Customer-Owned Coin-Operated Telephones ("COCOTs") in Administrative Case No. 337¹ to investigate and review the utility status of pay telephones or COCOTs. The Commission's investigation will determine whether persons who own, control, operate, or manage COCOTs are utilities, as defined by KRS 278.010(3)(e).

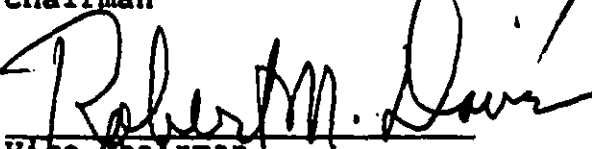
The Commission, on its own motion and being otherwise sufficiently advised, HEREBY ORDERS that R.C.A.A.I.C.'s application shall be dismissed without prejudice. R.C.A.A.I.C. shall not provide any utility service in Kentucky for the public for compensation without prior approval of this Commission. Furthermore, R.C.A.A.I.C. shall be added to the service list for Administrative Case No. 337.

¹ Administrative Case No. 337, The Investigation and Review of Customer-Owned, Coin-Operated Telephone Regulation.

Done at Frankfort, Kentucky, this 15th day of July, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director