

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TMC OF LEXINGTON FOR AUTHORITY)
TO REVISE ITS TARIFF, P.S.C. KY. NO. 1 TO) CASE NO.
OFFER OPERATOR-ASSISTED TELECOMMUNICATIONS) 91-126
SERVICES AND WATS DEDICATED ACCESS SERVICES)
IN THE COMMONWEALTH OF KENTUCKY)

O R D E R

On April 17, 1991, TMC of Lexington ("TMC") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to provide intrastate interLATA operator-assisted telecommunications services and WATS¹ dedicated access services.

The Commission ordered TMC to file additional information by Order dated May 23, 1991. TMC filed its response on June 14, 1991. TMC was further directed to file additional information by Order dated August 29, 1991, and the response was filed on October 17, 1991.

The Commission established Administrative Case No. 330² to address the restrictions and guidelines for the provision of operator-assisted telecommunications services by non-local exchange carriers.

¹ Wide Area Telecommunications Service

² Administrative Case No. 330, Policy And Procedures in the Provision of Operator-Assisted Telecommunications Services.

Based on its application and response, TMC is aware of Administrative Case No. 330 and has stated its ability and intent to comply with the Orders issued in that case. Therefore, TMC should be authorized to provide intrastate interLATA operator-assisted services, subject to all guidelines, requirements, restrictions, and conditions of service addressed in Administrative Case No. 330. The Commission previously granted TMC authority to provide resale of WATS. The WATS dedicated access services which TMC seeks authority to provide are an expansion of what previously was granted to TMC. TMC has demonstrated the ability to provide these WATS services and therefore should be authorized to provide the expanded services requested in this application.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. TMC be and it hereby is granted authority to provide WATS dedicated access services in the Commonwealth of Kentucky.

2. TMC be and it hereby is granted authority to provide intrastate interLATA operator-assisted telecommunications services, subject to all restrictions, conditions of service, and guidelines described in the March 27, 1991 Order in Administrative Case No. 330. Those requirements are:

- a. Operator-assisted services shall be subject to rate regulation and rates shall not exceed AT&T Communications of the South Central States, Inc.'s ("AT&T's") maximum approved rates. "Maximum approved rates" is defined as the rates approved by this Commission in AT&T's most recent proceeding for measured toll

service applicable to operator-assisted calls as well as the additional charges for operator assistance. TMC is not permitted to include any other surcharge or to bill for uncompleted calls. Time-of-day discounts shall also be applicable. TMC is also required to rate calls using the same basis that AT&T uses to rate calls, i.e., distance calculations based on points-of-call origination and termination, definitions of chargeable times, billing unit increments, rounding of fractional units, and minimum usages. When there is any change in AT&T's maximum approved rates, TMC shall file tariffs necessary to comply with the requirements herein within 30 days from the effective date of AT&T's rate change.

b. TMC shall be subject to regulation as delineated in the May 25, 1984 and October 26, 1984 Orders in Administrative Case No. 273,³ as well as any subsequent modifications to non-dominant carrier regulations.

c. Access to the operator services of competing carriers shall not be blocked or intercepted; however, this requirement does not pertain to situations where the customers who have control of premises equipment are also the users and billpayers of the services.

d. Access to the local exchange carriers' operators shall not be blocked or otherwise intercepted by traffic

³ Administrative Case No. 273, An Inquiry Into Inter- and IntraLATA Competition in Toll and Related Services Markets in Kentucky.

aggregators. Specifically, all "0 minus"⁴ calls shall be directed to the local exchange carriers' operators. In equal access areas, "0 plus"⁵ intraLATA calls shall not be intercepted or blocked. In non-equal access areas, TMC is prohibited from blocking or intercepting "0 minus" calls; however, it is permissible to intercept "0 plus" calls.

e. Blocking and interception prohibitions shall be included in TMC's tariffs and contracts by stating that violators will be subject to immediate termination of service after 20 days notice to the owners of non-complying customer premises equipment.

f. TMC shall provide tent cards and stickers to be placed near or on telephone equipment provided by its traffic aggregators. TMC shall include provisions in tariffs and contracts that subject violators to termination of service.

g. TMC's operators shall be required to identify TMC, making reference to "TMC Long Distance," at least once during every call before any charges are incurred.

h. TMC's operators shall provide an indication of its rates to any caller upon request.

i. TMC shall not accept calling cards for billing purposes if it is unable to validate the card.

⁴ A "0 minus" or "0-" call occurs when an end-user dials zero without any following digits.

⁵ "0 plus" or "0+" call occurs when an end-user dials zero and then dials the digits of the called telephone number.

3. This authority to provide service is strictly limited to those services described in this Order, TMC's application, and conditions described in this Order.

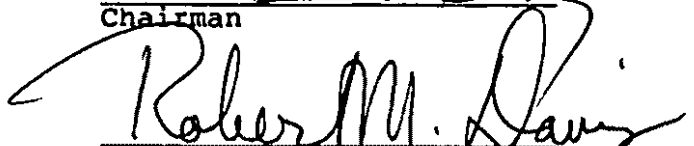
4. TMC shall comply with the Commission's decisions in Administrative Case Nos. 323⁶ and 328,⁷ now pending, that may apply to TMC's Kentucky operations.

5. Within 30 days from the date of this Order, TMC shall file its tariff sheets in accordance with 807 KAR 5:011. TMC's tariff shall state that TMC will provide operator-assisted services under the name of "TMC Long Distance."

Done at Frankfort, Kentucky, this 25th day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director

⁶ 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.

⁷ Administrative Case No. 328, Investigation Into Whether WATS Resellers Should be Included in the ULAS Allocation Process.