

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LONG DISTANCE MANAGEMENT (A DIVISION	)	
OF WRIGHT BUSINESSES, INC.) AND TMC	)	
OF SOUTHERN KENTUCKY (A GENERAL	)	
PARTNERSHIP)	)	
	)	
PETITIONERS	)	
	)	
VS.	)	CASE NO. 91-315
	)	
SOUTH CENTRAL BELL TELEPHONE COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On December 5, 1991, the Commission received from Long Distance Management and TMC of Southern Kentucky ("Petitioners") a motion to hold this case in abeyance while Petitioners' consultants reviewed the tariffs and audit procedures of South Central Bell Telephone Company ("South Central Bell"). On January 13, 1992, the Commissioners granted Petitioners' request to hold this proceeding in abeyance for 90 days.

On March 5, 1992, Petitioners filed a motion for interim relief. In support of their motion, Petitioners stated that South Central Bell conducted an audit to determine their actual percent interstate usage ("PIU") and, based on the audit, issued a bill retroactive to August 1, 1990 through April 1992 for a total amount of \$151,283.59. The Petitioners allege that South Central Bell's tariff provides that "no prorating or back billing will be

done based on the report" pursuant to E2.3.14(A)(6). Therefore, Petitioners contend that South Central Bell's backbill is in violation of its tariff and should be null and void.

On March 1, 1992, South Central Bell filed its response in opposition contending that the reference to its tariff was taken out of context. According to South Central Bell, when interexchange carriers order service from the access service tariff, they are required to state a projected PIU to be used for billing purposes until the interexchange carrier submits a new report. The tariff in question here requires that the interexchange carrier furnish South Central Bell a projected PIU report when busy hours minutes of capacity, lines or trunks are added to an existing service. Similarly, a report is required when a customer discontinues busy hours minutes of capacity, lines or trunks to existing service. South Central Bell alleges that the prohibition against back billing is applicable only regarding those two referenced reports for the addition or subtraction of busy hours minutes of capacity, lines or trunks and, therefore, the motion should be denied.

On March 23, 1992, Petitioners replied to South Central Bell's response stating that the tariff would speak for itself and the Commission should determine the context of the tariff sentence.

The Commission, having reviewed the tariff, motion and responses thereto and being otherwise sufficiently advised, finds that the pro-rating or back billing prohibition within the context

of the tariff does apply only to the jurisdictional reports to be furnished by customers when the customer adds or subtracts busy hours minutes of capacity, lines or trunks to existing service. The statement in question is the last sentence of a paragraph, separately numbered, which deals exclusively with the reports necessary for changes in busy hours minutes of capacity lines or trunks to existing service. Accordingly, Petitioners' motion should be denied.

IT IS THEREFORE ORDERED that:

1. Petitioners' motion for interim relief shall be and it hereby is denied.

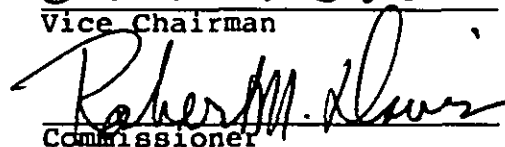
2. Within 20 days of the date of this Order, all parties shall submit any information not previously filed which the Commission should consider, including the submission by Petitioners of an audit or other information produced pursuant to their request to hold the case in abeyance. Any request for a public hearing shall be made within this same time frame. Absent a request for a public hearing, this case shall be deemed submitted for Commission decision.

Done at Frankfort, Kentucky, this 18th day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting