

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AFFINITY NETWORK INCORPORATED

\_\_\_\_\_  
ALLEGED VIOLATION OF KRS 278.020 AND  
KRS 278.160

)  
)  
) CASE NO. 92-025  
)  
)  
)

O R D E R

On September 30, 1991, Affinity Network Incorporated ("ANI") applied for a Certificate of Public Convenience and Necessity to provide long-distance telecommunications services. On December 18, 1991, ANI filed responses to data requests propounded by the Commission stating that it has offered telecommunications services in Kentucky and has collected compensation for these services since April 1991. A copy of ANI's response to Item 1 of said data request is attached hereto as Exhibit No. 1.

Accordingly, the Commission finds a prima facie showing has been made that ANI failed to file with the Commission its application for approval to operate and its schedule of rates and conditions of service prior to collecting compensation for the provisions of utility service in violation of KRS 278.020 and KRS 278.160.

IT IS THEREFORE ORDERED that:

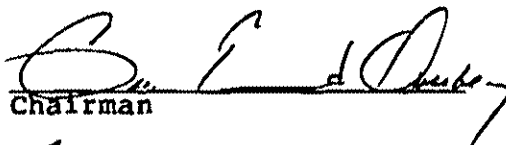
1. ANI shall immediately cease and desist from providing and charging for any and all telecommunications service within the Commonwealth of Kentucky.

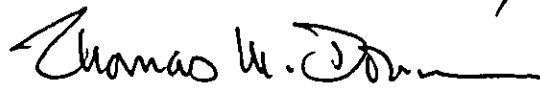
2. ANI shall appear at a hearing scheduled for February 12, 1992, 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's Offices at 730 Schenkel Lane, Frankfort, Kentucky, to present evidence on the alleged violation of KRS 278.020 and 278.160, and to be prepared to show cause why ANI should not be penalized under KRS 278.990 and should not be required to make refunds of compensation collected prior to filing its schedule of rates and conditions of service, if such violation is found to have occurred.

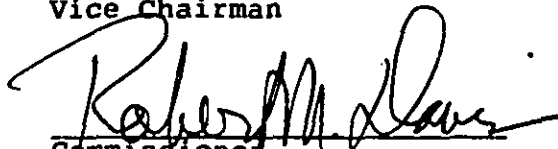
3. ANI shall file within 10 days from the date of this Order all documents pertaining to its provision of service in Kentucky including, but not limited to, rates and conditions of service, promotional sales material, customer applications, a list of customers with addresses, and billing records.

Done at Frankfort, Kentucky, this 21st day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
DEC 19 1991  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

THE APPLICATION OF AFFINITY NETWORK )  
INCORPORATED FOR A CERTIFICATE TO ) CASE NO. 91-356  
RESELL TELECOMMUNICATIONS SERVICES )

AFFINITY NETWORK INCORPORATED'S RESPONSES  
TO INFORMATION REQUESTS

Affinity Network Incorporated (ANI), by and through its attorneys, hereby submits its answers pursuant to the Commission Order issued on November 26, 1991.

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

Since April 1991, ANI has collected \$897.41 for intrastate calls. This amount has not been adjusted downward to reflect any credits or adjustments that have been applied. As a switchless rebiller of AT&T's Software Defined Network service, ANI was unaware that its business activity triggered certification requirements. Upon learning that this was the case, ANI sought counsel and filed its application with the Commission. Further, ANI has not marketed its services in Kentucky pending certification.

2. State whether ANI shall comply with the Commission's rules, restrictions, and prohibition against providing intraLATA services by non-local exchange facilities-based carriers. Explain in detail.