

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BUSINESS CHOICE NETWORK, INC.

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

)  
)  
) CASE NO. 92-026  
)  
)  
)

O R D E R

On September 23, 1991, Business Choice Network, Inc. ("BCN") applied for a Certificate of Public Convenience and Necessity to provide long-distance telecommunications services. On December 19, 1991, BCN 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 BCN's response to Item 1 of said data request is attached hereto as Exhibit 1.

Accordingly, the Commission finds a prima facie showing has been made that BCN 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. BCN shall immediately cease and desist from providing and charging for any and all telecommunications service within the Commonwealth of Kentucky.

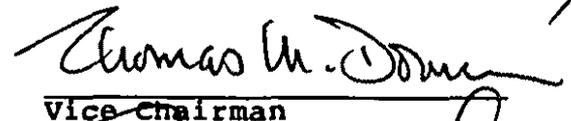
2. BCN shall appear at a hearing scheduled for February 12, 1992, 1:30 p.m., Eastern Standard Time, in Hearing Room 1 of the Commission's Offices at 730 Schenkel Lane, Frankfort, Kentucky, to present evidence on the alleged violation of KRS 278.020 and 278.160, and to be prepared to show cause why BCN 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.

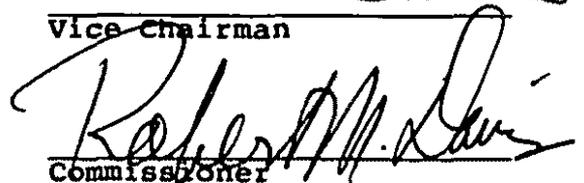
3. BCN shall file within 10 days from the date of this Order all documents pertaining to its provision of service in Kentucky including, but not limited to, rates and conditions of service, promotional sales material, customer applications, a list of customers with addresses, and billing records.

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

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BUSINESS CHOICE NETWORK,	)	
INC. FOR A CERTIFICATE OF PUBLIC CONVEN-	)	
IENCE AND NECESSITY AS A RESELLER OF	)	CASE NO. 91-343
TELECOMMUNICATIONS SERVICES WITHIN THE	)	
STATE OF KENTUCKY	)	

BUSINESS CHOICE NETWORK, INC.'S RESPONSES  
TO INFORMATION REQUESTS

Business Choice Network, Inc. (BCN), by and through its attorneys, hereby submits its answers pursuant to the Commission Order issued on November 20, 1991.

1. Has BCN 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, BCN has collected \$6,667.72 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, BCN was unaware that its business activity triggered certification requirements. Upon learning that this was the case, BCN sought counsel and filed its application with the Commission.

2. Clarify whether or not BCN is seeking intraLATA operating authority.

BCN does not seek authority to carry intraLATA traffic until such time as it is authorized by the Commission.