

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELECARE, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 92-072
NECESSITY TO OPERATE AS AN INTER-)
EXCHANGE TELECOMMUNICATIONS RESALE)
CARRIER WITHIN THE STATE OF KENTUCKY)

O R D E R

IT IS ORDERED that Telecare, Inc. ("Telecare") shall file the original and ten copies of the following information with the Commission. The information requested shall be placed in a bound volume with each item tabbed.

The information requested herein is due no later than 30 days from the date of this Order. If the information cannot be provided by this date, Telecare shall submit a motion for an extension of time stating the reason a delay is necessary and include a date by which it can be furnished. Such motion will be considered by the Commission.

1. Has Telecare 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.

2. Does Telecare own and/or operate any coin-operated telephones in Kentucky? If so, explain.

3. Does Telecare have any affiliation with any other company which owns and/or operates any coin-operated telephones in Kentucky? If so, explain.

4. Provide a toll-free number or provision for accepting collect calls for customer complaints.

5. Refer to Original Sheets 10 and 11, Section II (2) and Section III of the proposed tariff. 807 KAR 5:006, Section 7, allows a utility to require a deposit to ensure payment of bills. Interest must be paid on such deposits in accordance with KRS 278.460 and 807 KAR 5:006, Section 7(6). Monthly recurring charges and non-recurring charges may be billed in advance; however, usage charges must be billed in arrears. Provide revised tariff sheets.

6. Refer to Original Sheet 13, Section 5.1. 807 KAR 5:006, Section 12, provides that a customer desiring to discontinue service shall give the utility three working day's notice in person or in writing so long as such notice does not violate contractual obligations. Provide a revised tariff sheet.

7. Refer to Original Sheet 17, Section 9.2, 9.3 and 9.4. All services must be provided and charges made on a non-discriminatory basis (KRS 278.170), and all promotional programs must be filed with the Commission. A late payment penalty may be assessed only once to each month's bill. Any payment received must first be applied to the bill for services rendered. In subsequent bills, penalties shall not be assessed on

unpaid penalties. Section 9.4 should be revised to comply with the deposit and advance payment provisions described in Item 5 above. Provide revised tariff sheets.

8. Refer to Original Sheet 19, Section 11. Provide a revised tariff sheet in accordance with Item 6 above.

9. Refer to Original Sheet 20. Provide a revised tariff sheet setting out the notice requirements in 807 KAR 5:006, Section 14.

10. Refer to Original Sheet 15. Add the following language after Section 7.4.2:

Acceptance by the Commission of the liability provisions contained in this tariff does not constitute its determination that the limitation of liability imposed by the company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

Done at Frankfort, Kentucky, this 30th day of April, 1992.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director, Acting