

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MID-COM COMMUNICATIONS,)	
INC. FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO OPERATE)	CASE NO. 92-138
AS A RESELLER OF TELECOMMUNICATION)	
SERVICES WITHIN THE STATE OF KENTUCKY)	

O R D E R

IT IS HEREBY ORDERED that Mid-Com Communications, Inc. ("Mid-Com Communications") shall file the original and ten copies of the following information with the Commission. Each copy of the information requested should 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, Mid-Com Communications should 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 Mid-Com Communications ever provided and/or collected any money from the public for the provision of intrastate telecommunications services in the Commonwealth of Kentucky? If so, explain in detail.

2. Does Mid-Com Communications, or any affiliate, own and/or operate any transmission facilities in any jurisdiction?

3. Does Mid-Com Communications intend to be associated in any way with the provision of payphone service within the Commonwealth of Kentucky?

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

5. Refer to Section 1.2. Provide revised tariff sheets clarifying the conditions, including the required notice, under which service may be refused or terminated in compliance with 807 KAR 5:006, Section 14.

6. Refer to Section 1.3. In Subsection 1.3.7, delete the words "or statutory penalties" in line 1. Add the following language at the end of Section 1.3.

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.

7. Refer to Section 1.7. Provide revised tariff sheets in compliance with 807 KAR 5:006 (effective February 26, 1992) setting forth the criteria to be considered in determining whether a deposit will be required or waived and clarifying that deposits for seasonal customers will not exceed two-twelfths (2/12) of the customer's estimated annual bill.

8. Refer to Section 1.8.5(B). Provide a revised tariff sheet changing the term "Finance Charge" to "Late Payment Penalty" and clarify the method of assessing penalties in accordance with 807 KAR 5:006, Section 8(3)(h).

9. Refer to Section 1.10. Provide revised tariff sheets in compliance with 807 KAR 5:006, Section 12.

10. Refer to Section 2.3. Provide revised tariff sheets setting forth the conditions and restrictions for the provisions of operator-assisted services delineated in the Commission's March 27, 1991 Order in Administrative Case No. 330,¹ as shown in Appendix A, attached hereto and incorporated herein. Does Mid-Com Communications intend to provide operator-assisted services consistent with each item enumerated in Appendix A?

Done at Frankfort, Kentucky, this 8th day of June, 1992.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director, Acting

¹ Administrative Case No. 330, Policy and Procedures in the Provision of Operator-Assisted Telecommunications Services.

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 92-138 DATED 6/8/92

Conditions of Service for the Provision of Operator Services Adopted from Commission Orders in Administrative Case No. 330, Orders Dated March 27, 1991 and May 3, 1991.

Mid-Com Communications, Inc. shall revise its tariff to conform to the policies and procedures for the provision of operator-assisted telecommunications services by non-local exchange carriers, which are as follows:

(a) Operator-assisted services shall be subject to rate regulation and rates shall not exceed AT&T's maximum approved rates. "Maximum approved rates" is defined to mean the rates approved by this Commission in AT&T's most recent rate proceeding for measured toll service applicable to operator-assisted calls, as well as the additional charges for operator assistance. Carriers are not permitted to include any other surcharges or to bill for uncompleted calls. Time-of-day discounts shall also be applicable. Carriers are 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, carriers shall file tariffs if necessary to comply with the requirements herein within 30 days of the effective date of AT&T's rate change.

(b) Except as otherwise indicated in this Order, non-dominant carriers shall be subject to regulation as delineated in the May 25, 1984 Order in Administrative Case No. 273 as well as any subsequent modifications to non-dominant carrier regulations. In the event of conflict, the terms of the instant Order shall take precedence, unless a carrier is specifically relieved from compliance with any conditions contained herein. AT&T shall remain subject to regulatory oversight as a dominant carrier.

(c) Operator service providers that provide service to traffic aggregators shall not allow access to the operator services of competing carriers to be blocked or intercepted. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(d) Access to the local exchange carriers' operators shall not be blocked or otherwise intercepted by traffic aggregators. Specifically, all "0-" calls, that is, when an end-user dials zero without any following digits, shall be directed to the local exchange carrier operators. In equal access areas, "0+" intraLATA calls, that is, when an end-user dials zero and then dials the digits of the called telephone number, shall not be intercepted or blocked. In non-equal access areas, it is prohibited to block or intercept "0-" calls; however, it is permissible to intercept "0+" calls. Blocking and interception prohibitions shall be included in

tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(e) Carriers shall not be required to provide access codes of competitors. Each carrier should advise its own customers as to the appropriate 10XXX access code.

(f) Carriers shall provide tent cards and stickers to traffic aggregators to be placed near or on telephone equipment used to access their services and shall include provisions in tariffs and contracts entered into with any traffic aggregator that subject violators to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(g) Operators shall identify the carrier at least once during every call before any charges are incurred.

(h) Operators shall provide an indication of the carrier's rates to any caller upon request.

(i) Carriers shall not accept calling cards for billing purposes if they are unable to validate the card.