

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of the Application of:

HORIZON CELLULAR TELEPHONE COMPANY OF SPENCER,)
L.P., A DELAWARE LIMITED PARTNERSHIP, FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE DOMESTIC PUBLIC)
CELLULAR RADIO TELECOMMUNICATIONS SERVICE TO)
THE PUBLIC IN THE KENTUCKY RURAL SERVICE AREA)
WHICH INCLUDES SPENCER, NELSON, ANDERSON) CASE NO.
HARDIN, WASHINGTON, MERCER, LARUE, MARION,) 92-485
GREEN AND TAYLOR COUNTIES IN KENTUCKY;)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A CELL SITE IN)
ELIZABETHTOWN, KENTUCKY; AND FOR ESTABLISHMENT)
OF INITIAL RATES)

O R D E R

IT IS ORDERED that Horizon Cellular Telephone Company of Spencer, L.P. ("Horizon Cellular") shall file the original and 10 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, Horizon Cellular 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. Provide an organizational chart reflecting Horizon Cellular's Kentucky operations.

2. State the complete business name under which Horizon Cellular will operate in RSA #4.

3. Provide a drawing, stamped and sealed by a professional engineer registered in Kentucky, of the tower Horizon Cellular intends to utilize.

4. Refer to Original Page 12, Heading F. Explain the practice of not accepting customers' orders more than 60 days before the service would start.

5. Refer to Original Page No. 16. Add the following language at the end of Section 3.3:

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.

6. Refer to Original Page 27, first sentence of Section 3.14(a). Five days advance notice is required for nonpayment of bills before customer service can be disconnected.

7. Refer to Original Page 27, next to the last sentence of Section 3.14(a). Commission regulations do not authorize any minimum disconnect period for nonpayment of bills. Upon payment of indebtedness by customer, service must be restored promptly.

8. Refer to Original Page 27, last sentence of Section 3.14(a). This sentence should be deleted because this should be adjudicated in the courts.

9. Refer to Original Page 29, Section 3.14, Heading D. A utility may terminate service without notice only where a dangerous condition is found to exist or for theft or illegal use of service.

10. Refer to Original Pages 36 and 37. Add periods to the sentences under the headings "Toll Restriction" and "Call Forwarding."

11. Pursuant to 807 KAR 5:006, Section 6(3), include the billing format to be used or its contents within your tariff.

12. Refer to Original Page 22, Section 3.7, Heading D. Commission policy prohibits compounding penalties. Clarify that penalty charges shall not be assessed on unpaid penalty charges, and any payment received shall first be applied to the bill for service rendered.

Done at Frankfort, Kentucky, this 27th day of January, 1993.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director