

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF THE FURST GROUP FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 93-100
NECESSITY)

O R D E R

IT IS ORDERED that The Furst Group, Inc. ("Furst Group") 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, Furst Group shall submit a motion for an extension of time stating the reason a delay is necessary and include a date by which the information can be furnished. Such motion will be considered by the Commission.

1. Has Furst Group 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 Furst Group or any of its affiliates own and/or operate any coin-operated telephones in any jurisdiction? If so, explain.

3. Does Furst Group or any of its affiliates own and/or operate any transmission facilities in any jurisdiction? If so, explain.

4. Does Furst Group intend to provide operator-assisted services in addition to reselling Message Telecommunications Services? If so, Furst Group shall revise its tariff to comply with the conditions of service for the provision of operator-assisted services adopted from Administrative Case No. 330¹ and summarized in Appendix A of this Order.

5. Identify the carriers whose services Furst Group intends to resell.

6. If Furst Group intends to resell tariffed services of facilities-based carriers, identify these tariffed services and specify whether these services will be obtained from intrastate or interstate tariffs.

7. If Furst Group intends to resell services that are not available under an approved tariff, provide copies of the contracts which govern the terms of the agreement between Furst Group and its facilities-based carriers.

8. Provide an estimate of sales revenues for Furst Group's first 2 years of Kentucky operations. Explain how Furst Group arrived at these estimates. If estimates are based upon a market study, provide a copy of this study.

¹ Administrative Case No. 330, Policy and Procedures in the Provision of Operator-Assisted Telecommunications Services, Orders dated March 27 and May 3, 1991.

9. Provide a listing of financial institutions with which Furst Group has a line of credit. State Furst Group's credit line with each of these institutions.

10. State whether Furst Group is requesting intraLATA operating authority. If so, is Furst Group aware of and able to comply with the provisions of Administrative Case No. 323?²

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

12. Specify the Kentucky counties which Furst Group proposes to serve.

13. Refer to Original Page 7, Section 2.1.1(A). Is Furst Group willing to comply with the provisions of Administrative Case No. 338?³

14. Refer to Original Page 10. Add the following language at the end of Section 2.3.6:

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 thereof, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

² Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality, Phase I, Order dated May 6, 1991.

³ Administrative Case No. 338, Inquiry into the Provision of Enhanced Services in Kentucky.

15. Refer to Original Page 13, Section 2.5. Include clarifying language stating that Furst Group may terminate service only after the customer has been given at least 10 days' written notice.

16. Refer to Original Page 15, formula at the bottom of the page. Provide the proper annotation that shows the subtraction should be squared, not multiplied by 2 as shown.

17. Include in your tariff a description of Furst Group's Neighborhood Network Service.

18. Refer to Original Page 21, first sentence. Include the per minute usage charges that are supposed to be listed in Section 4.5.1.

Done at Frankfort, Kentucky, this 14th day of May, 1993.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 93-100 DATED MAY 14, 1993

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.

Furst Group 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.