

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WORKING ASSETS FUNDING SERVICE, INC., )  
D/B/A WORKING ASSETS LONG DISTANCE )  
 ) CASE NO. 93-172  
 )  
\_\_\_\_\_)  
ALLEGED VIOLATIONS OF KRS 278.020 AND KRS )  
278.160 )

O R D E R

On February 11, 1993, Working Assets Funding Service, Inc., d/b/a Working Assets Long Distance ("Working Assets Long Distance") filed an application for a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services within the Commonwealth of Kentucky.<sup>1</sup> The record in that case discloses that Kentucky addresses were included in a series of advertising mailings that began in September 1992, resulting in Kentucky residents applying for and receiving telecommunications services. Working Assets Long Distance stated that \$7,665 has been collected for services provided to Kentucky customers. See Working Assets Long Distance's April 20, 1993 Reply to the Commission's March 22, 1993 Order, attached hereto and incorporated herein as Appendix A.

Accordingly, the Commission finds a prima facie showing has been made that Working Assets Long Distance has violated KRS

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<sup>1</sup> Case No. 93-049, Working Assets Funding Service, Inc. d/b/a Working Assets Long Distance Application for a Certificate of Public Convenience and Necessity to Operate as a Reseller of Telecommunications Services Within the State of Kentucky.

278.020(1) and KRS 278.160 by failing to obtain proper certification from the Commission prior to providing utility service to Kentucky residents and by failing to file a schedule of rates and conditions of service prior to collecting compensation for the service provided, respectively. Therefore, Working Assets Long Distance should immediately cease and desist charging for any interexchange telecommunications services within the Commonwealth of Kentucky.

IT IS THEREFORE ORDERED that:

1. Working Assets Long Distance shall immediately cease and desist from charging for any interexchange telecommunications services within the Commonwealth of Kentucky.

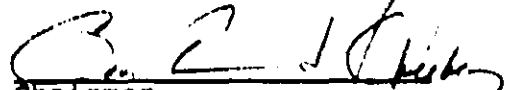
2. Working Assets Long Distance shall appear at a hearing scheduled on June 15, 1993 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, to present evidence on the alleged violation of KRS 278.020(1) and 278.160, and to show cause, if any it can, why penalties should not be imposed in accord with KRS 278.990 and why all compensation collected from Kentucky residents should not be refunded.

3. Working Assets Long Distance shall file a response to the probable violation noted herein within 20 days of the date of this Order, and any request for an informal conference shall be filed in writing within that time.


4. Any request to reschedule the hearing shall be made in writing no later than 48 hours prior to the scheduled hearing date.

Done at Frankfort, Kentucky, this 11th day of May, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

APR 20 1993

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A RESELLER OF )  
TELECOMMUNICATIONS SERVICES WITHIN )  
THE STATE OF KENTUCKY )

CASE NO. 93-049

**APPLICANT'S REPLY TO ORDER  
DATED MARCH 22, 1993**

Working Assets Funding Service, Inc. ("Working Assets" or "Company") respectfully submits its responses to the Order issued by the Public Service Commission of Kentucky.

1. Working Assets has collected \$7665 from Kentucky customers for the provision of intrastate telecommunications services. Working Assets' policy has been actively to suppress Kentucky addresses from its advertising mailing lists to avoid offering service prior to certification. However, during a series of mailing beginning in September of 1992, Kentucky addresses were erroneously not suppressed, and direct mail pieces were sent to a selection of Kentucky residents. Kentucky residents constituted 0.69% of the direct mail campaign's target audience. Orders for service were accepted by the Company's customer service division. When the existence of Kentucky customers came to the attention of the Company's management, steps were taken to seek certification from the Commission.

2. Working Assets does not own, operate or have any affiliation with coin-operated telephone providers in any jurisdiction.

3. Working Assets is a non facility-based reseller, and does not provide alternative operator services. Working Assets customers receive the operator services of Working Assets' underlying carrier, U.S. Sprint, and are billed for these services by Working Assets.

4. Attached is Working Assets' revised proposed tariff, including a revised version of Original Sheet 6, reflecting the adjustment ordered by the Commission.

5. Attached is Working Assets' revised proposed tariff, including a revised version of Original Sheet 4, reflecting the adjustment ordered by the Commission.

6. Working Assets' toll-free customer service number is (800) 788-0898. It is provided on every invoice.

7. Attached is Working Assets' revised proposed tariff, including a revised version of Original Sheet 9, reflecting the adjustment ordered by the Commission.

8. Attached is Working Assets' revised proposed tariff, including a revised version of Original Sheet 11, deleting the provision relating to the Company's potential examination of credit histories. Working Assets currently does not examine the credit histories of its residential customers in any jurisdiction, and will refrain from instituting such a policy with respect to its Kentucky customers.

9. Attached is Working Assets' revised proposed tariff, including the substitution ordered by the Commission.

10. Attached is Working Assets' revised proposed tariff, including a revised version of Original Sheet 13 that contains the notice provision ordered by the Commission.

11. Attached is Working Assets' revised proposed tariff, including a revised version of Original Sheet 13 that contains the restrictions on termination ordered by the Commission.

12. Working Assets' monthly invoice includes an "action alert" describing two political issues under current debate. The company offers telephone calls to legislators or other public figures involved in the given issues at the discounted rates described in its tariff. These telephone calls, most frequently directed at United States legislators or federal agencies, are almost always interstate in nature; the Company enumerates the discounts in its intrastate tariffs to cover the possibility that a public figure located within a given state will be the subject of an alert.

If the Commission finds that such discounted intrastate calls are contrary to its law and policy, Working Assets will refrain from offering such discounted calls to subjects located within the State of Kentucky, and will delete such discounts from its Kentucky tariffs.

Respectfully submitted this 20th day of April, 1993.

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By: 

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