

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOSVA, LIMITED PARTNERSHIP'S)
APPLICATION FOR AUTHORIZATION TO) CASE NO. 94-109
PROVIDE INTRASTATE TELECOMMUNICATIONS)
RESALE SERVICES)

O R D E R

On March 21, 1994, NOSVA, Limited Partnership ("NOSVA") filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to resell intrastate long-distance telecommunications services within the Commonwealth of Kentucky.

NOSVA is a Maryland limited partnership with its principal offices in the state of Maryland and intends to resell tariffed services of facilities-based carriers certified by this Commission. NOSVA does not request authority to provide operator-assisted telecommunications services. In its application, NOSVA indicated that a copy of its Certificate of Authority to Operate in the Commonwealth of Kentucky would be supplied once granted. The Commission finds that NOSVA should file an executed copy of the Certificate within seven days of the issue date.

NOSVA does not own or operate, nor does it intend to construct, any telecommunications transmission facilities within the Commonwealth of Kentucky. All intrastate telecommunications transmission services will be provided by an underlying carrier certified by this Commission.

NOSVA filed its proposed tariff on March 21, 1994. The Commission finds that NOSVA should file revised tariff sheets for the following:

1. Refer to Original Page 2, Check Sheet. Remove the reference to the "Title Page."

2. Refer to Original Page 12, Heading 2.3, Liability of NOSVA LP. Make a new Heading 2.3.7 and insert the following language:

Acceptance of the liability provisions contained in this tariff by the Commission 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.

3. Refer to Original Page 15, Heading 2.5.1, Cancellation or Interruption of Services. Insert the following language at the end of 2.5.1(A): "following proper notice pursuant to Commission regulations."

4. Refer to Original Page 22, Heading 3.4, NOSVA Switched Network Service. Correct the spelling of "minimum" in line 3.

5. Refer to Original Page 17, Heading 2.6, Contested Charges. Insert the following language at the end of the second sentence: "and their right of appeal to the Kentucky Public Service Commission."

6. Include in NOSVA's tariff either the contents of a billing format or an example of the billing form to be sent to your customers.

7. Provide in NOSVA's tariff a toll-free service number to deal with customer complaints.

The application provided by NOSVA demonstrates its financial, managerial, and technical capability to provide utility service. The Commission finds that NOSVA should be authorized to resell intrastate long-distance telecommunications services within the Commonwealth of Kentucky. The Commission further finds that the rates proposed by NOSVA with the modifications set forth in this Order should be approved as the fair, just, and reasonable rates to be charged.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. NOSVA be and it hereby is granted authority to resell intrastate long-distance telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.

2. IntraLATA services shall be provided in accordance with the restrictions and conditions of service contained in Administrative Case No. 323.¹

¹ 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. NOSVA's authority to provide service is strictly limited to those services described in this Order and NOSVA's application.

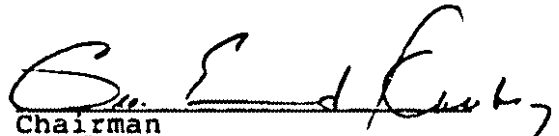
4. The rates proposed by NOSVA on March 21, 1994 with the modifications set forth in this Order are hereby approved.

5. NOSVA shall file a copy of its Certificate of Authority to Operate in the Commonwealth of Kentucky within seven days of its issue date.

6. Within 30 days from the date of this Order, NOSVA shall file, pursuant to 807 KAR 5:011, its March 21, 1994 tariff sheets with the modifications set forth in this Order and which conform to the restrictions and conditions of service contained herein.

Done at Frankfort, Kentucky, this 27th day of April, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director