

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT PETITION OF AT&T COMMUNICATIONS)	
OF THE SOUTH CENTRAL STATES, INC., MCI)	
TELECOMMUNICATIONS CORPORATION, SPRINT)	
COMMUNICATIONS COMPANY L.P., AND)	CASE NO. 94-286
LDDSMETROMEDIA COMMUNICATIONS, INC.)	
TO REDUCE THE TARIFF FILING NOTICE)	
PERIOD FOR INTEREXCHANGE CARRIERS)	

O R D E R

On July 29, 1994, AT&T Communications of the South Central States, Inc. ("AT&T"), MCI Telecommunications Corporation ("MCI"), Sprint Communications Company L.P. ("Sprint"), and LDDSMetromedia Communications, Inc. ("LDDS") petitioned the Commission to reduce the tariff filing notice period from 30 days to 7 days.

Because the Order affects many interests, the Commission herein requires a copy of this Order to be served on all interexchange carriers ("IXCs"), WATS resellers, local exchange carriers ("LECs"), and competitive access providers ("CAPs").

In support of their petition, the IXCs stated that although KRS 278.180 requires 30-days' notice before tariff changes become effective, KRS 278.512(2) provides that the Commission may exempt telecommunications utilities from statutory requirements if there is clear and satisfactory evidence that doing so is in the public interest. AT&T has been granted reduced regulation in many other

areas as a part of Case No. 92-297.¹ All other IXC's and resellers, including MCI, Sprint, and LDDS, also operate under reduced regulation.

The IXC's further argued that in a highly competitive market such as that in which they participate, it is crucial that service providers be able to make their offerings available quickly. The timely introduction of new services and the ability to respond quickly to the prices of others is essential to the competitive process and to bringing the benefits of competition to the consumer.

The IXC's also asked that the burden of proof to dispute a tariff be placed on the intervenor.

DECISION

The Commission agrees that the market for long-distance service in Kentucky should operate quickly and efficiently. Further, the Commission agrees that 30-days' notice impedes the competitive market. However, rather than adopt a seven-day review notice period, the Commission finds a one-day period superior.

Seven days, as proposed, will not allow sufficient time for meaningful consideration by either the Commission or potential intervenors. Such an attempt would be a farce, especially given the adequate safeguards provided by the market itself. The operation of market forces provides the most meaningful review of

¹ Case No. 92-297, The Petition of AT&T Communications of the South Central States, Inc. for Reduced Regulation of Intrastate Telecommunication Services.

prices. Moreover, shifting the burden of proof from utility to intervenor is not only impossible, given the confidential nature of prices and costs, but is also contrary to the due process of law.

Instead, the Commission will allow IXC's and WATS resellers to file intrastate long-distance tariffs with one day's notice and, if complaints arise, they will be addressed through the complaint process.

Any tariff filings by IXC's or resellers that relate to operator services or payphones, including calling cards and debit cards remains subject to the full 30-day notice period. These services do not have the market characteristics of traditional long-distance service. Moreover, tariffs dealing with operator services or payphones must be filed separately from other traditional long-distance offerings.

The one-day notice period is the only exemption granted herein.


All CAPs will be required to file tariffs with 30-days' notice until more is known of these providers. Similarly, other providers' tariffs dealing with competitive access must be filed separately from traditional long-distance offerings. Finally, until the market matures, the LECs still have a dominant position in their long-distance areas and will be required to continue filing tariffs with 30-days' notice.

IT IS THEREFORE ORDERED that:


1. All IXCs and WATS resellers can file traditional long-distance tariffs on one-day's notice to the Commission.
2. Intervention or investigation shall be addressed by the complaint process.
3. IXC and reseller tariffs for operator services and payphones, including calling cards and debit cards, and tariffs regarding competitive access shall be filed with 30-days' notice and shall be filed separately from any other tariff filings.
4. A utility filing tariffs with one-day's notice shall, in its cover letter, reference the authorization for such filing and provide a description of the tariff changes. An original and four copies of the cover letter and proposed tariff shall be filed.
5. IXCs, WATS resellers, LECs, and CAPs shall be served copies of this Order.

Done at Frankfort, Kentucky, this 7th day of November, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director