

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CHERRY )  
COMMUNICATIONS, INC. FOR AUTHORIZATION ) CASE NO. 94-423  
AS A RESELLER OF INTEREXCHANGE )  
TELECOMMUNICATIONS SERVICE )

O R D E R

On November 16, 1994, Cherry Communications, Inc. ("Cherry Communications") 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. On March 3, 1995, Cherry Communications filed its response to the Commission's February 10, 1995 Order requesting additional information.

Cherry Communications is an Illinois corporation with its principal offices in the state of Illinois and intends to resell tariffed services of facilities-based carriers certified by this Commission. Cherry Communications does not request authority to provide operator-assisted telecommunications services.

Cherry Communications 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.

The application provided by Cherry Communications demonstrates its financial, managerial, and technical capability to provide

utility service. The Commission finds that Cherry Communications should be authorized to resell intrastate long-distance telecommunications services within the Commonwealth of Kentucky.

Cherry Communications filed its proposed tariff on November 16, 1994. In response to the Commission's request for additional information, Cherry Communications filed revised tariff sheets on March 3, 1995. The Commission finds that the rates proposed by Cherry Communications, as revised on March 3, 1995 and with the following additional modification should be approved as the fair, just, and reasonable rates to be charged: Refer to Original Sheets 36-38, Sections 4.1-4.7; Original Sheets 47-48, Sections 4.13-4.20; and Original Sheet 50, Sections 4.25-4.27 of the proposed tariff. Provide revised tariff sheets that include, in addition to the ranges listed, the parameters and/or conditions which determine the specific rates for recurring monthly and per call charges for a subscriber.

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

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

3. IntraLATA services shall be provided in accordance with the restrictions and conditions of service contained in Administrative Case No. 323.<sup>1</sup>

4. The rates proposed by Cherry Communications on November 16, 1994, as revised on March 3, 1995, and with the additional modification listed in the findings above are hereby approved.

5. Within 30 days from the date of this Order, Cherry Communications shall file, pursuant to 807 KAR 5:011, its November 16, 1994 tariff sheets, as revised on March 3, 1995, with the additional modification listed in the findings above and which conform to the restrictions and conditions of service contained herein.

Done at Frankfort, Kentucky, this 15th day of March, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner

<sup>1</sup> 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.