

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NORTH AMERICAN)
INTELECOM FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE) CASE NO. 94-441
TELECOMMUNICATIONS SERVICES IN THE)
STATE OF KENTUCKY)

O R D E R

On December 1, 1994, North American InTeleCom ("NAI") filed with the Public Service Commission ("Commission") an application for a Certificate of Public Convenience and Necessity to provide certain telecommunications services in Kentucky. NAI also filed, along with the application, its proposed tariff. NAI's application clearly states that it intends to provide only coin-operated pay telephone and inmate telephone services.

Providers of customer-owned, coin-operated telephones ("COCOTs") are utilities as defined in KRS 278.010 and are therefore subject to Commission jurisdiction. Administrative Case No. 337¹ sets forth the regulatory requirements for furnishing COCOT service, including those services provided by "store and forward" pay telephones, and inmate services, in Kentucky. Acquisition of a Certificate of Public Convenience and Necessity does not appear on this list of requirements. Consequently, NAI's

¹ Administrative Case No. 337, The Investigation and Review of Customer-Owned, Coin-Operated Telephone Regulation.

application for a Certificate of Public Convenience and Necessity should be dismissed.

NAI has also submitted its proposed tariff regarding provision of coin-operated pay telephone and inmate telephone services (the "NAI tariff"). Administrative Case No. 337 states that COCOT providers that furnish toll calls may not charge rates that exceed the local exchange carrier's or AT&T Communications of the South Central States, Inc.'s ("AT&T") maximum approved rates for intraLATA calls. NAI has revised its proposed tariff to comply with this requirement. NAI accomplished this revision by refileing pages 14, 15, and 16 of its proposed tariff to show the appropriate toll rates. However, the pages so refiled reflect an inappropriate effective date of December 15, 1994. The effective date should have been December 31, 1994, in conformity with the effective date of the proposed tariff filed December 1. Consequently, NAI's proposed tariff is accepted. However, NAI should refile pages 14, 15, and 16 to reflect the appropriate effective date of December 31, 1994.

IT IS THEREFORE ORDERED that:

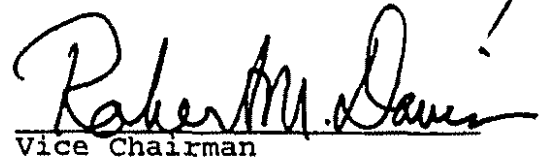
1. NAI's request for a Certificate of Public Convenience and Necessity to provide coin-operated pay telephone and inmate telephone services is dismissed.
2. The NAI tariff is accepted.

3. NAI shall file with the Commission, within 30 days of the date of this Order, pages 14, 15, and 16 which reflect an effective date of December 31, 1994.

Done at Frankfort, Kentucky, this 19th day of January, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director