

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ADVANCED)
TELECOMMUNICATION NETWORK, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 95-591
NECESSITY TO OPERATE AS A RESELLER OF)
TELECOMMUNICATIONS SERVICES WITHIN THE)
STATE OF KENTUCKY)

O R D E R

On December 28, 1995, Advanced Telecommunication Network, Inc. ("Advanced Telecommunication") filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky. Filing deficiencies were cured on January 22, 1996.

In its application, Advanced Telecommunication admitted that, in violation of KRS 278.020(1) and 278.160(2), incidental intrastate telecommunications traffic occurred in Kentucky prior to obtaining certification from this Commission. On April 19, 1996, Advanced Telecommunication offered to refund the total amount of intrastate revenues received, amounting to \$15,063.42, and to make a voluntary payment of \$100 to resolve the issue. The Commission finds that the settlement offered by Advanced Telecommunication is lawful and reasonable and should be accepted.

Advanced Telecommunication is a New Jersey corporation with its principal office in the state of New Jersey and intends to resell tariffed services of facilities-based carriers certified by this Commission.

Advanced Telecommunication 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 Advanced Telecommunication demonstrates its financial, managerial, and technical capability to provide utility service. The Commission finds that Advanced Telecommunication should be authorized to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky.

Advanced Telecommunication filed its proposed tariff on December 28, 1995. The Commission finds that Advanced Telecommunication's tariff should be modified as follows:

1. Refer to Original Sheet No. 12, Section 2.9.3. Modify the language to comply with 807 KAR 5:006, Section 8(3)(h), which allows a penalty to be assessed only once on any bill for rendered services, requires any payment to first be applied to the bill for services rendered, and prohibits assessing additional penalty charges on unpaid penalty charges.
2. Pursuant to 807 KAR 5:006, Section 6(3), include the billing form, or its contents, in the proposed tariff.

The Commission further finds that the rates proposed by Advanced Telecommunication, with the modifications above, should be approved as the fair, just, and reasonable rates to be charged.

In Administrative Case No. 306,¹ the Commission stated the importance of eliminating possible customer confusion arising from the name of the billing service, rather than the name of the provider of telecommunications services, appearing on the bill. Accordingly, Advanced Telecommunication should ensure that its name appears prominently on all bills issued to customers for services rendered.

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

1. Advanced Telecommunication be and it hereby is granted authority to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.
2. Advanced Telecommunication shall ensure that its name appears prominently on all bills issued to customers for services rendered.
3. Advanced Telecommunication's authority to provide service is strictly limited to those services described in this Order and Advanced Telecommunication's application.
4. IntraLATA services shall be provided in accordance with the restrictions and conditions of service contained in Administrative Case No. 323.²

¹ Administrative Case No. 306, Detariffing Billing and Collection Services, Order Dated April 30, 1990.

² 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.

5. The rates proposed by Advanced Telecommunication on December 28, 1995, with the modifications discussed herein, are hereby approved.

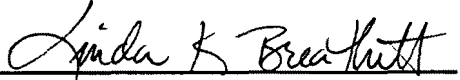
6. Within 30 days from the date of this Order, Advanced Telecommunication shall file, pursuant to 807 KAR 5:011, its December 28, 1995 tariff sheets with the modifications discussed herein.

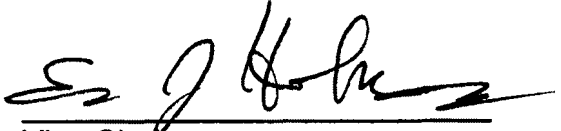
7. The refund of total intrastate revenues, amounting to \$15,063.42, received from customers and payment of a \$100 penalty to settle all issues related to its alleged violations of KRS 278.020(1) and KRS 278.160(2) is hereby accepted.

8. Within 30 days of the date of this Order, Advanced Telecommunication shall make, and submit evidence of, all refunds agreed to herein and shall pay \$100 by certified or cashier's check made payable to "Treasurer, Commonwealth of Kentucky." The check shall be delivered to Office of General Counsel, Public Service Commission of Kentucky, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky, 40602.

Done at Frankfort, Kentucky, this 7th day of June, 1996.

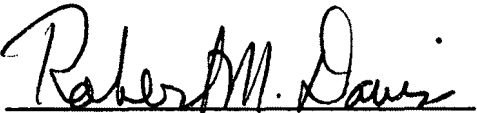
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner