

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF OPTEX, INC. FOR A CERTIFICATE) CASE NO.
TO RESELL TELECOMMUNICATIONS SERVICE) 96-189

O R D E R

On May 3, 1996, Optex, Inc. ("Optex") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to provide intrastate, long-distance telecommunications services as a reseller within the Commonwealth of Kentucky.

Optex is an Ohio corporation proposing to resell the services of carriers currently certified within the Commonwealth of Kentucky in accordance with the terms and conditions set forth in its tariff. Optex does not seek authority to provide operator-assisted telecommunications services.

Optex employs no intrastate transmission or reception telecommunications equipment or facilities in the performance of its services, and all intrastate facilities, equipment, and networking will be provided by the underlying carrier. Optex will not construct any new facilities in the Commonwealth of Kentucky.

The information provided by Optex demonstrates its financial, managerial, and technical capability to provide intrastate, long-distance telecommunications service. The proposed rates filed May 3, 1996 should be approved as the fair, just and reasonable rates to be charged, with the following revisions:

a) Refer to Original Sheet 18, Section 2.8. State that the deposit will not exceed two-twelfths (2/12) of the customer's actual or projected bill, in compliance with 807 KAR 5:006, Section 7(1)(a).

b) Refer to Original Sheet 20, Section 2.13. Rewrite, in conformity with 807 KAR 5:006, Section 8(3)(h), to provide that a late payment penalty may be assessed only once on any bill for rendered service.

c) Refer to Original Sheet 28, Sections 3.5.6 and 3.5.8. State that prior to commencement, Optex shall provide all special offers and contracts to the Kentucky Public Service Commission.

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, Optex should ensure that its name appears prominently on all bills issued to customers for services rendered by it.

The Commission, having considered the application, the information provided by Optex, and being otherwise sufficiently advised, HEREBY ORDERS that:

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

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

2. Optex shall comply with the provisions of the Orders in Administrative Case No. 323.²

3. Optex shall ensure that its name appears prominently on all bills issued to customers for services rendered by it.

4. Optex's authority to provide service in this Commonwealth is strictly limited to those services described in this Order and in Optex's application.


5. The rates and charges proposed by Optex are hereby approved as filed on May 3, 1996.


6. Within 30 days from the date of this Order, Optex shall file its tariff sheets in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 14th day of June, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

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.