

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICA'S TELE-NETWORK CORPORATION)
)
 _____) CASE NO. 2000-132
)
 ALLEGED VIOLATION(S) OF KRS 278.535)
 SWITCHING OF TELECOMMUNICATIONS)
 PROVIDER)

O R D E R

America's Tele-Network Corporation ("America's Tele-Network") is a communications provider as defined in KRS 278.535(1)(a), is authorized to do business in Kentucky, and is subject to the Commission's jurisdiction. America's Tele-Network is a foreign corporation (identification number 0416487) authorized by the Office of the Secretary of State of the Commonwealth of Kentucky to do business in Kentucky and said authorization occurred on or about May 22, 1995. The records maintained by the Office of Secretary of State show that the principal place of business for America's Tele-Network is 720 Hembree Place, Alphretta, Georgia 30076 and show that the registered agent is CSC Corporation Service Co., 421 West Main Street, Frankfort, Kentucky 40601.

KRS 278.535(1)(a) prescribes statutory procedures for the proper changing of any Kentucky customer's primary telecommunications carrier.

COUNT I

1. On or about July 12, 1999, James Addison reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to America's Tele-Network without his authority or permission. Mr. Addison's telephone number is 606/464-9838.

2. By letter dated July 20, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Mr. Addison. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Mr. Addison had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count I-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Addison knowingly authorized the carrier change.

3. On August 9, 1999, Commission Staff mailed America's Tele-Network a second notification regarding the complaint lodged by Mr. Addison. A copy of said letter is attached hereto and marked **Appendix Count I-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Addison in which he properly authorized the carrier change.

COUNT II

1. On or about August 23, 1999, Gary Faulconer reported to Commission Staff by telephone that his long-distance carrier had been changed from GTE to America's Tele-Network without his authority or permission. Mr. Faulconer's telephone number is 606/299-4471.

2. By letter dated September 3, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Mr. Faulconer. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Mr. Faulconer had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count II-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Faulconer knowingly authorized the carrier change.

3. On September 27, 1999, Commission Staff mailed America's Tele-Network a second notification regarding the complaint lodged by Mr. Faulconer. A copy of said letter is attached hereto and marked **Appendix Count II-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Faulconer in which he properly authorized the carrier change.

COUNT III

1. On or about October 5, 1999, Roseann Fuscaldo reported to Commission Staff by telephone that her long-distance carrier had been changed from AT&T to America's Tele-Network without her authority or permission. Ms. Fuscaldo's telephone number is 606/858-9024.

2. By letter dated October 13, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Ms. Fuscaldo. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Ms. Fuscaldo had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count III-A**. KRS 278.535(2) places the burden

of proof on America's Tele-Network to show that Ms. Fuscaldo knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Fuscaldo in which she properly authorized the carrier change.

COUNT IV

1. On or about October 20, 1999, Phyllis Hartley reported to Commission Staff by telephone that her long-distance carrier had been changed from MCI to America's Tele-Network without her authority or permission. Ms. Hartley's telephone number is 606/873-4876.

2. By letter dated October 25, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Ms. Hartley. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Ms. Hartley had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count IV-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Ms. Hartley knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Hartley in which she properly authorized the carrier change.

COUNT V

1. On or about September 22, 1999, Charles Carter, on behalf of Sara Mattingly, reported to Commission Staff by letter that her long-distance carrier had been

changed from AT&T to America's Tele-Network without her authority or permission. Ms. Mattingly's telephone number is 502/348-8617.

2. By letter dated September 24 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Ms. Mattingly. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Ms. Mattingly had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count V-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Ms. Mattingly knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Mattingly in which she properly authorized the carrier change.

COUNT VI

1. On or about September 23, 1999, Alice McNeal reported to Commission Staff by telephone that her long-distance carrier had been changed to America's Tele-Network without her authority or permission. Ms. McNeal's telephone number is 502/348-6599.

2. By letter dated September 28, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Ms. McNeal. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Ms. McNeal had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count VI-A**. KRS 278.535(2) places the

burden of proof on America's Tele-Network to show that Ms. McNeal knowingly authorized the carrier change.

3. On October 14, 1999, Commission Staff mailed America's Tele-Network a second notification regarding the complaint lodged by Ms. McNeal. A copy of said letter is attached hereto and marked **Appendix Count VI-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. McNeal in which she properly authorized the carrier change.

COUNT VII

1. On or about October 7, 1999, David Miller reported to Commission Staff by letter that his long-distance carrier had been changed from GTE to America's Tele-Network without his authority or permission. Mr. Miller's telephone number is 606/252-3680.

2. By letter dated October 8, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Mr. Miller. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Mr. Miller had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count VII-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Miller knowingly authorized the carrier change.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Miller in which he properly authorized the carrier change.

COUNT VIII

1. On or about July 15, 1999, Rickie Rothman reported to Commission Staff by telephone that his long-distance carrier had been changed from Sprint to America's Tele-Network without his authority or permission. Mr. Rothman's telephone number is 502/228-6145.

2. By letter dated July 19, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Mr. Rothman. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Mr. Rothman had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count VIII-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Rothman knowingly authorized the carrier change.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Rothman in which he properly authorized the carrier change.

COUNT IX

1. On or about July 12, 1999, J. H. Terry reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to America's Tele-Network without his authority or permission. Mr. Terry's telephone number is 502/239-9621.

2. By letter dated July 15, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Mr. Terry. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence

that Mr. Terry had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count IX-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Terry knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Terry in which he properly authorized the carrier change.

COUNT X

1. On or about October 25, 1999, Linda Whitaker, J. D. Whitaker's wife, reported to Commission Staff by telephone that Mr. Whitaker's long-distance carrier had been changed from MCI to America's Tele-Network without his authority or permission. Mr. Whitaker's telephone number is 502/895-3600.

2. By letter dated October 29, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Ms. Whitaker. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Mr. Whitaker had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count X-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Whitaker knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Whitaker in which he properly authorized the carrier change.

COUNT XI

1. On or about June 21, 1999, Bonnie Angel reported to Commission Staff by telephone that her long-distance carrier had been changed from AT&T to America's Tele-Network without her authority or permission. Ms. Angel's telephone number is 502/937-2051.

2. By letter dated June 30, 1999, Commission Staff notified America's Tele-Network of the complaint received by Commission Staff from Ms. Angel. The letter requested that America's Tele-Network provide Commission Staff appropriate evidence that Ms. Angel had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count XI-A**. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Ms. Angel knowingly authorized the carrier change.

3. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Angel in which she properly authorized the carrier change.

Based on the foregoing allegations and on the results of the investigation by the Commission Staff, the Commission, on its own motion, HEREBY ORDERS that:

1. America's Tele-Network shall submit to the Commission within 20 days of the date of receipt of this Order a response to the allegations contained in each Count above.

2. America's Tele-Network shall appear on June 21, 2000 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of showing cause why it should not be

subject to penalties pursuant to KRS 278.990(1) and KRS 278.535(6) for the alleged violations of law described herein.

3. Any request for an informal conference with the Commission Staff to consider any matter which would expedite the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of receipt of this Order.

Done at Frankfort, Kentucky, this 24th day of March, 2000.

By the Commission

ATTEST:



Executive Director