

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MCI WORLDCOM COMMUNICATIONS, INC.)	
D/B/A MCI WORLDCOM, INC.)	
A/K/A MCI WORLDCOM)	
_____)	CASE NO. 2000-135
)	
ALLEGED VIOLATION(S) OF KRS 278.535)	
SWITCHING OF TELECOMMUNICATIONS)	
PROVIDER)	

O R D E R

MCI WorldCom Communications, Inc. ("MCI WorldCom") 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. MCI WorldCom is a foreign corporation (identification number 0435789) 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 July 14, 1997. The records maintained by the Office of Secretary of State show that the principal place of business for MCI WorldCom is 1133 Nineteenth Street, N.W., Washington, D.C. 20036, and show that the registered agent is National Registered Agents, Inc., 400 West Market Street, Suite 1800, Louisville, Kentucky 40202. Commission Staff has other information showing additional places of business to be Post Office Box 3187, Cedar Rapids, Iowa 52406 and 780 Johnson Ferry Road, Suite 700, Atlanta, Georgia 30342.

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 22, 1999, Roger Anderson reported to Commission Staff by telephone that his long-distance carrier had been changed to MCI WorldCom without his authority or permission. Mr. Anderson's telephone number is 270/877-5161.

2. By letter dated July 22, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Mr. Anderson. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Mr. Anderson 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 MCI WorldCom to show that Mr. Anderson knowingly authorized the carrier change.

3. On August 10, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by Mr. Anderson. 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. Anderson in which he properly authorized the carrier change.

COUNT II

1. On or about July 30, 1999, Thomas Clary reported to Commission Staff by telephone that his long-distance carrier had been changed to MCI WorldCom without his authority or permission. Mr. Clary's telephone number is 502/239-8309.

2. By letter dated August 10, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Mr. Clary. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Mr. Clary 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 MCI WorldCom to show that Mr. Clary knowingly authorized the carrier change.

3. On August 27, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by Mr. Clary. 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. Clary in which he properly authorized the carrier change.

COUNT III

1. On or about August 18, 1999, April Duncan reported to Commission Staff by telephone that her long-distance carrier had been changed from AT&T to MCI WorldCom without her authority or permission. Ms. Duncan's telephone number is 606/376-4341.

2. By letter dated August 27, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Ms. Duncan. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Ms. Duncan 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 MCI WorldCom to show that Ms. Duncan 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. Duncan in which she properly authorized the carrier change.

COUNT IV

1. On or about February 24, 1999, Mary Combs reported to Commission Staff by letter that her long-distance carrier had been changed from AT&T to MCI WorldCom without her authority or permission. Ms. Combs's telephone number is 606/672-2218.

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

COUNT V

1. On or about June 15, 1999, Virginia Kincaid reported to Commission Staff by telephone that her long-distance carrier had been changed to MCI WorldCom without her authority or permission. Ms. Kincaid's telephone number is 606/441-6677.

2. By letter dated June 22, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Ms. Kincaid. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Ms. Kincaid 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 MCI WorldCom to show that Ms. Kincaid knowingly authorized the carrier change.

3. On July 12, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by Ms. Kincaid. A copy of said letter is attached hereto and marked **Appendix Count V-B**.

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

COUNT VI

1. On or about July 7, 1999, Jeff Lewis reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to MCI WorldCom without his authority or permission. Mr. Lewis's telephone number is 270/586-9933.

2. By letter dated July 13, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Mr. Lewis. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Mr. Lewis 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 MCI WorldCom to show that Mr. Lewis knowingly authorized the carrier change.

3. On September 2, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by Mr. Lewis. 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 Mr. Lewis in which he properly authorized the carrier change.

COUNT VII

1. On or about July 19, 1999, William McGinnis, on behalf of Central District, Inc. ("Central District"), reported to Commission Staff by telephone that Central District's

long-distance carrier had been changed from Excel to MCI WorldCom without its authority or permission. Central District's telephone number is 606/255-4453.

2. By letter dated July 20, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Central District. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Central District 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 MCI WorldCom to show that Central District knowingly authorized the carrier change.

3. On August 11, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by Central District. A copy of said letter is attached hereto and marked **Appendix Count VII-B**.

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

COUNT VIII

1. On or about June 23, 1999, Laurie Young, a representative of PDR Engineering, reported to Commission Staff by telephone that PDR Engineering's long-distance carrier had been changed from Unidial to MCI WorldCom without PDR Engineering's authority or permission. PDR Engineering's telephone number is 606/223-8000.

2. By letter dated June 24, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from PDR Engineering. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that

PDR Engineering 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 MCI WorldCom to show that PDR Engineering knowingly authorized the carrier change.

3. On July 12, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by PDR Engineering. A copy of said letter is attached hereto and marked **Appendix Count VIII-B**.

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

COUNT IX

1. On or about August 18, 1999, Penny S. Adler, on behalf of her husband, Robert Sadler, reported to Commission Staff by telephone that Mr. Sadler's long-distance carrier had been changed from GTE to MCI WorldCom without his authority or permission. Mr. Sadler's telephone number is 270/769-1292.

2. By letter dated August 27, 1999, Commission Staff notified MCI WorldCom of the complaint received by Commission Staff from Mr. Sadler. The letter requested that MCI WorldCom provide Commission Staff appropriate evidence that Mr. Sadler 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 MCI WorldCom to show that Mr. Sadler knowingly authorized the carrier change.

3. On September 27, 1999, Commission Staff mailed MCI WorldCom a second notification regarding the complaint lodged by Mr. Sadler. A copy of said letter is attached hereto and marked **Appendix Count IX-B**.

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Sadler in which he 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. MCI WorldCom 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. MCI WorldCom shall appear on July 14, 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