

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICA'S TELE-NETWORK CORPORATION )  
 )  
 \_\_\_\_\_ ) CASE NO. 2000-217  
 )  
 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 as of 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 January 21, 2000, Derek Anderson reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele-Network without his authority or permission. Mr. Anderson's telephone number is 606/278-2241.

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

## COUNT II

1. On or about October 14, 1999, Richard Austin reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to Sprint without his authority or permission. Mr. Austin's telephone number is 502/543-6120.

2. By letter dated October 14, 1999, Commission Staff notified Sprint of Mr. Austin's Complaint. The letter requested that Sprint provide Commission Staff appropriate evidence that Mr. Austin had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count II-A**.

3. Sprint responded by letter on October 27, 1999 to the Commission's letter dated October 14, 1999. In the response letter, Sprint replied that it had no record of Mr. Austin in its system, but that the number was located on the account of America's Tele-Network. America's Tele-Network is a reseller of Sprint services. 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. Austin by which he properly authorized the carrier change to America's Tele-Network. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Austin knowingly authorized the carrier change.

### **COUNT III**

1. On or about January 25, 2000, Kevin Botner reported to Commission Staff by telephone that his long-distance carrier had been changed from MCI to America's Tele-Network without his authority or permission. Mr. Botner's telephone number is 502/231-0231.

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

### **COUNT IV**

1. On or about January 26, 2000, Cheryl Bowman 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. Bowman's telephone number is 606/985-0674.

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

## COUNT V

1. On or about January 24, 2000, James Brown reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to Sprint without his authority or permission. Mr. Brown's telephone number is 606/986-3960.

2. By letter dated February 4, 2000, Commission Staff notified Sprint of Mr. Brown's complaint. The letter requested that Sprint provide Commission Staff appropriate evidence that Mr. Brown had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count V-A**.

3. Sprint responded by letter on February 15, 2000 to the Commission's letter dated February 4, 2000. In the response letter, Sprint replied that it had no record of Mr. Brown in its system, but that the number was located on the account of America's Tele-Network. America's Tele-Network is a reseller of Sprint services. 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 Mr. Brown by which he properly authorized the carrier change to America's Tele-Network. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Brown knowingly authorized the carrier change.

## COUNT VI

1. On or about January 5, 2000, R.L. Bumgardner 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. Bumgardner's telephone number is 606/873-4924.

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

#### **COUNT VII**

1. On or about February 11, 2000, Nancy Byers reported to Commission Staff by telephone that her long-distance carrier had been changed from GTE Long Distance to America's Tele-Network without her authority or permission. Ms. Byers's telephone number is 606/254-6559.

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

#### **COUNT VIII**

1. On or about January 14, 2000, Vance Carpenter reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele-Network without his authority or permission. Mr. Carpenter's telephone number is 606/986-8366.

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

### **COUNT IX**

1. On or about January 19, 2000, Raymond Conrad reported to Commission Staff by telephone that his long-distance carrier had been changed to Sprint without his authority or permission. Mr. Conrad's telephone number is 606/723-4838.

2. By letter dated January 25, 2000, Commission Staff notified Sprint of Mr. Conrad's complaint. The letter requested that Sprint provide Commission Staff appropriate evidence that Mr. Conrad had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count IX-A**.

3. Sprint responded by letter on January 24, 2000 to Commission Staff's e-mail dated January 19, 2000. In the response letter, Sprint replied that it had no record of Mr. Conrad in its system, but that the number was located on the account of America's Tele-Network. America's Tele-Network is a reseller of Sprint services. 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. Conrad by which he properly authorized the carrier change to America's Tele-Network. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Mr. Conrad knowingly authorized the carrier change.

### **COUNT X**

1. On or about February 7, 2000, Dorothy Coffee 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. Coffee's telephone number is 606/787-7548.

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

#### **COUNT XI**

1. On or about February 1, 2000, Thomas Conley reported to Commission Staff by telephone that his long-distance carrier had been changed from GTE Long Distance to America's Tele-Network without his authority or permission. Mr. Conley's telephone number is 606/299-8220.

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

#### **COUNT XII**

1. On or about February 11, 2000, Frank Cooley 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. Cooley's telephone number is 606/798-3797.

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

### **COUNT XIII**

1. On or about December 3, 1999, Helen Pratt, on behalf of her mother, Nevada Cornet, reported to Commission Staff by telephone that Ms. Cornet's interLATA carrier had been changed from AT&T to America's Tele-Network and that her intraLATA carrier had been changed from GTE to America's Tele-Network without her authority or permission. Ms. Cornet's telephone number is 606/439-2784.

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

### **COUNT XIV**

1. On or about December 12, 1999, Louise Crouch reported to Commission Staff by telephone that her long-distance carrier had been changed from Excel to America's Tele-Network without her authority or permission. Ms. Crouch's telephone number is 606/683-2987.

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

### **COUNT XV**

1. On or about February 11, 2000, John Cullen reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele-



Network without his authority or permission. Mr. Cullen's telephone number is 606/272-9442.

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

#### **COUNT XVI**

1. On or about August 30, 2000, John Cummins reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele- Network without his authority or permission. Mr. Cummins's telephone number is 502/969-1894.

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

#### **COUNT XVII**

1. On or about February 10, 2000, Kenneth Davis reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele- Network without his authority or permission. Mr. Davis's telephone number is 606/362-7071.

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

### **COUNT XVIII**

1. On or about December 9, 1999, Dorothy Ditty 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. Ditty's telephone number is 606/573-3984.

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

### **COUNT XIX**

1. On or about January 18, 2000, Elmo Lewis reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele-Network without his authority or permission. Mr. Lewis's telephone number is 606/497-0055.

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

### **COUNT XX**

1. On or about January 27, 2000, Donna Davis reported to Commission Staff by telephone that her long-distance carrier had been changed from MCI WorldCom to America's Tele-Network without her authority or permission. Ms. Davis's telephone number is 606/784-7857.

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

#### **COUNT XXI**

1. On or about October 29, 1999, Sharon Elliott reported to Commission Staff by telephone that her long-distance carrier had been changed from BellSouth to America's Tele-Network without her authority or permission. Ms. Elliott's telephone number is 606/498-763.

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

#### **COUNT XXII**

1. On or about February 7, 2000, Roger Fairchild reported to Commission Staff by telephone that his long-distance carrier had been changed from PNG to America's Tele-Network without his authority or permission. Mr. Fairchild's telephone number is 606/744-3843.

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

### **COUNT XXIII**

1. On or about January 11, 2000, Athalene Florence 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. Florence's telephone number is 502/863-0406.

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

### **COUNT XXIV**

1. On or about June 8, 1999, Kim Housley 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. Housley's telephone number is 606/573-3787.

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

### **COUNT XXV**

1. On or about January 19, 2000, John Hunter reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele-Network without his authority or permission. Mr. Hunter's telephone number is 606/299-1877.

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

#### **COUNT XXVI**

1. On or about February 10, 2000, Deanna Jones 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. Jones's telephone number is 606/498-8993.

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

#### **COUNT XXVII**

1. On or about January 6, 2000, Margaret Klann reported to Commission Staff by telephone that her long-distance carrier had been changed from AT&T to Sprint without her authority or permission. Ms. Klann's telephone number is 606/278-421.

2. By letter dated January 12, 2000, Commission Staff notified Sprint of Ms. Klann's complaint. The letter requested that Sprint provide Commission Staff appropriate evidence that Ms. Klann had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count XXVII-A**.

3. Sprint responded by letter on January 14, 2000 to a Commission Staff letter dated January 14, 2000. In the response letter, Sprint replied that it had no record

of Ms. Klann in its system, but that the number was located on the account of America's Tele-Network. America's Tele-Network is a reseller of Sprint services. A copy of said letter is attached hereto and marked **Appendix Count XXVII-B**

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Klann by which she properly authorized the carrier change to America's Tele-Network. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Ms. Klann knowingly authorized the carrier change.

#### **COUNT XXVIII**

1. On or about December 30, 1999, Karen Koontz, on behalf of her husband Michael Koontz, 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. Koontz's telephone number is 606/873-4066.

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

#### **COUNT XXIX**

1. On or about October 28, 1999, Ruth Lucas, on behalf of her husband, Charles Lucas, reported to Commission Staff by telephone that his long-distance carrier had been changed to America's Tele-Network without his authority or permission. Mr. Lucas's telephone number is 606/365-3741.

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

**COUNT XXX**

1. On or about February 3, 2000, John Manning 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. Manning's telephone number is 502/239-7443.

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

**COUNT XXXI**

1. On or about February 14, 2000, Mrs. Martin Williams, on behalf of her husband, 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. Williams's telephone number is 606/846-4339.

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

**COUNT XXXII**

1. On or about November 22, 1999, Kimberly Mason reported to Commission Staff by telephone that her long-distance carrier had been changed from MCI Worldcom to America's Tele-Network without her authority or permission. Ms. Mason's telephone number is 606/337-7210.

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

**COUNT XXXIII**

1. On or about January 7, 2000, William McAlister 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. McAlister's telephone number is 502/228-3995.

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

**COUNT XXXIV**

1. On or about February 2, 2000, John Murphy reported to Commission Staff by telephone that his long-distance carrier had been changed from MCI WorldCom to America's Tele-Network without his authority or permission. Mr. Murphy's telephone number is 606/268-0419.



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

#### **COUNT XXXV**

1. On or about January 31, 2000, Jill Pope, on behalf of her father, Joseph Pope, reported to Commission Staff by telephone that Mr. Pope's long-distance carrier had been changed to America's Tele-Network without his authority or permission. Mr. Pope's telephone number is 606/858-4033.

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

#### **COUNT XXXVI**

1. On or about February 4, 2000, Emily Robinson reported to Commission Staff by telephone that her long-distance carrier had been changed to Sprint without her authority or permission. Ms. Robinson's telephone number is 606/624-0704.

2. By letter dated February 4, 2000, Commission Staff notified Sprint of Ms. Robinson's complaint. The letter requested that Sprint provide Commission Staff appropriate evidence that Ms. Robinson had authorized the carrier change. A copy of said letter is attached hereto and marked **Appendix Count XXXVI-A**.

3. Sprint responded by letter on February 10, 2000 to the Commission Staff letter dated February 4, 2000. In the response letter, Sprint replied that it had no record

of Ms. Robinson in its system, but that the number was located on the account of America's Tele-Network. America's Tele-Network is a reseller of Sprint services. A copy of said letter is attached hereto and marked **Appendix Count XXXVI-B**

4. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Robinson by which she properly authorized the carrier change to America's Tele-Network. KRS 278.535(2) places the burden of proof on America's Tele-Network to show that Ms. Robinson knowingly authorized the carrier change.

#### **COUNT XXXVII**

1. On or about January 21, 2000, Kathy Settles 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. Settles's telephone number is 502/348-6231.

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

#### **COUNT XXXVIII**

1. On or about October 20, 1999, Rick Urschel reported to Commission Staff by telephone that his long-distance carrier had been changed from MCI WorldCom to America's Tele-Network without his authority or permission. Mr. Urschel's telephone number is 502/538-3576.

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

### **COUNT XXXIX**

1. On or about December 30, 1999, Marion Walls 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. Walls's telephone number is 502/452-1038.

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

### **COUNT XL**

1. On or about February 4, 2000, Sandra Webb reported to Commission Staff by telephone that her long-distance carrier had been changed from GTE Long Distance to America's Tele-Network without her authority or permission. Ms. Webb's telephone number is 606/271-0827.

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

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

1. America's Tele-Network shall submit to the Commission within 30 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 September 5, 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 30 days from the date of receipt of this Order.

Done at Frankfort, Kentucky, this 14<sup>th</sup> day of June, 2000.

By the Commission

ATTEST:

  
Executive Director