

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF NEXUS COMMUNICATIONS,)
INC. FOR DESIGNATION AS A)
COMPETITIVE ELIGIBLE)
TELECOMMUNICATIONS CARRIER) CASE NO. 2005-00474
PURSUANT TO SECTION 214(E) OF THE)
TELECOMMUNICATIONS ACT OF 1996)

COMMISSION STAFF'S FIRST DATA REQUEST
TO NEXUS COMMUNICATIONS, INC.

Pursuant to 807 KAR 5:001, Commission Staff requests that Nexus Communications, Inc. ("Nexus") file the original and 5 copies of the following information on or before February 14, 2006, with a copy to each party of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the person who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure legibility. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. Nexus states in its application that it offers all supported services enumerated in 47 C.F.R. Section 54.101(a)(1)-(9). Three of those services are access to interexchange service, access to operator services and access to directory

assistance. Nexus's tariff on file with the Kentucky Public Service Commission at page 16 states:

3.4 Service Offerings

Nexus offers local service only and restricts all 1+ dialing. Additionally, Nexus employs the use of customized code restrictions which permit local calls, non-chargeable calls such as repair service, emergency numbers (911) and 800 calling. Types of calls that are restricted are 0-, 0+, DDD1+, 1+900, 1+555-1212, 1+NPA-555-1212, 411, 976, 1DDD01 and 1DDD011+. The Company shall not be liable to any person for damages of any nature or kind arising out of, resulting from, or in connection with the provision of Customized Code Restrictions.

Reconcile the difference in the tariff language to the statements in the application related to access to interexchange services, operator services and directory assistance.

2. Nexus states that it offers all of the supported services using facilities obtained as UNEs from ALLTEL,¹ Cincinnati Bell Telephone ("Cincinnati Bell"), and BellSouth Telecommunications, Inc. ("BellSouth"). The Commission does not have on file an approved interconnection agreement between Nexus and ALLTEL. Provide evidence of an interconnection agreement with ALLTEL.

3. The Federal Communications Commission's orders commonly referred to as the TRO and TRRO exempted ILECs from providing certain UNEs and eliminated the product commonly known as UNE-P. Nexus does not purport to own or have access to switching to provide service to its customers. The interconnection agreements on file with the Commission between Nexus and BellSouth and Cincinnati Bell predate the TRO and TRRO orders.

¹ There are two companies that operate under the name of ALLTEL in Kentucky. The Commission assumes that Kentucky ALLTEL, Inc. is the company that Nexus is referring to and not ALLTEL Kentucky, Inc. which is a rural incumbent local exchange carrier.

Explain what steps have been made to secure contracts to enable Nexus to continue to serve its customers after March 11, 2006 when switching will no longer be required to be provided to Nexus by ILECs.

4. Confirm that Nexus has no facilities in place in Kentucky.

5. Does Nexus have any plans to build any facilities in Kentucky?

6. Under 47 C.F.R. Section 54.201(d)(2), a common carrier designated as an eligible telecommunications carrier under this section shall be eligible to receive universal service support in accordance with section 254 of the Act and shall, throughout the service area for which the designation is received:

(2) Advertise the availability of such services and the charges therefore using media of general distribution.

Provide examples of advertising that Nexus has done in the past. Include information such as dates, circulation numbers for print advertising, number of pieces mailed for direct mail, and market information for television and radio advertisements.

7. Provide the budgeted amounts for future advertising and full descriptions of planned advertisements.

8. Describe the sale network in which Nexus secures customers, such as retail stores, telemarketing, or other means.

9. Nexus's 2004 Annual Report to the Commission reports 224 residential customers. How many of these customers are in BellSouth's territory, how many are in ALLTEL's territory, and how many are in Cincinnati Bell's territory? Also, state how each customer is served (UNEs or Resale).

10. Nexus's only tariff offering for local service is priced at \$49.95. Does Nexus also charge the customer a Subscriber Line Charge? Provide a breakdown of all other charges, fees and taxes that are assessed to the customer.

11. Provide explanation for the following questions related to Nexus's proposed Lifeline and Linkup tariff:

a. Reconcile the proposed discount of \$6.50 contained in the tariff to 47 C.F.R. Section 54.403. The State of Kentucky's contribution is \$3.50.

b. In addition to the five programs listed in the tariff for eligibility, Kentucky allows the National School Lunch program and the Temporary Assistance to Needy Families program. Why were these programs omitted from the qualification list?



Beth O'Donnell
Executive Director
Public Service Commission
P. O. Box 615
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DATED: January 23, 2006

cc: All Parties