

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION RECEIVED

JUN 23 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:

AN INQUIRY INTO LIMITATIONS)
OF USE FOR TARIFFED SERVICES)
DESIGNATED OR OTHERWISE)
REFERRED TO AS UNLIMITED)

ADMINISTRATIVE
CASE NO. 2005-00186

ATTORNEY GENERAL'S MOTION
FOR LEAVE TO FILE DATA REQUESTS
AND TO ESTABLISH A DATE FOR RESPONSES

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and moves the Public Service Commission for leave to file data requests and to establish a date for responses to those data requests in this proceeding based on the following grounds.

In the Commission's order dated 22 June 2005 opening this docket, no provision exists for any party to file data requests. The Commission has, nonetheless, mandated that "all telecommunications utilities that have tariffs with unlimited calling plans" file responses to the information requests appended to the order.¹ The requests, totaling 10 in number, generally relate to disclosure, notification, and understanding of the terms of the plan by the customer. However, absent from the requests are questions which directly focus on the advertising of the plan as well as the disclosure of the terms and conditions, stated in clear and conspicuous language, in the contract. Accordingly, the attached data requests must be addressed to further aid the Commission in its

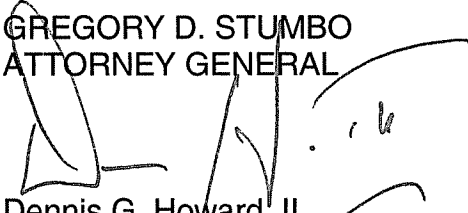
¹ Order, p. 2.

determination whether the utilities actions are “potentially deceptive and, therefore, unreasonable.”²

WHEREFORE, the Attorney General respectfully requests that the utilities offering the unlimited plans be required to respond to the attached data requests by July 22, 2005, or alternatively, by a date sufficiently preceding August 15, 2005, to allow the Attorney General to determine whether he deems a request for a hearing is necessary.

Respectfully submitted,

GREGORY D. STUMBO
ATTORNEY GENERAL

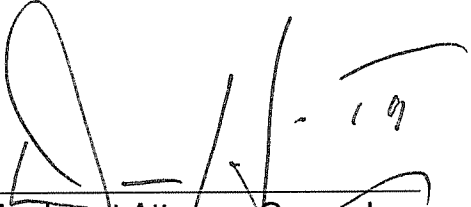


Dennis G. Howard, II
Assistant Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204
502 696-5453

² Id.

Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of this Motion For Leave To File Data Requests and to Establish a Date for Responses were served and filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy of the same, first class postage prepaid, to all parties on the Public Service Commission's website at psc.ky.gov/docket_web_reports/Criteria_INT25L.pdf as of 23 June 2005, all on this 23rd day of June, 2005.



Assistant Attorney General

ATTORNEY GENERAL'S DATA REQUESTS

CASE NO. 2005-00186

1. Please provide copies of all advertisements, regardless of medium, solicitations, and explanations provided to the public to introduce, explain and/or market any plan labeled or otherwise described as "unlimited." In the event that the medium used is audio or video in nature, a transcript of same is deemed sufficient.
2. Please provide a copy of any and all contracts signed by customers who have participated or are participating in a plan labeled or otherwise described as "unlimited." This request seeks only a copy of the blank contract(s), not the executed contract for every customer.