

June 6, 2006

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JUN 07 2006

PUBLIC SERVICE
COMMISSION

VIA OVERNIGHT DELIVERY

Elizabeth O'Donnell, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2005-00186: Supplemental Request to an Inquiry into Limitations of Use for Tariffed Services Designated or Otherwise Referred to as Unlimited

Dear Ms. O'Donnell:

Transmitted herewith on behalf of Excel Telecommunications, Inc. ("Excel") please find an original and five (5) copies of the Company's response to the above-referenced supplemental data request as requested by the Kentucky Attorney General's Office. Excel regrets the delay in issuing its response and appreciates the opportunity to submit this information.

Thank you for your time and consideration regarding this matter. If you have any questions regarding this filing, please contact the undersigned at (972) 478-3309 or at the Company's principal address.

Respectfully submitted,



Becky Gipson
Director, Regulatory Affairs

Enclosures

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**Attorney General's Supplemental Requests for Information
Case No. 2005-00186**

Response of Excel Telecommunications, Inc.

* * * * *

1. State whether your company has changed any tariffs applicable to plans described named or marketed as "unlimited", as previously identified in your responses to the Commission's first set of Data Requests, and if so, please attach/enclose copies of same.

Other than changes to its monthly recurring rates, Excel Telecommunications, Inc. ("Excel") has not modified any of its tariffs applicable to plans named or marketed as "unlimited" since the Company's response to the Commission's first set of Data Requests in this matter.

*Proposed Witness: Rebekah Chance, Director – Residential Products
Excel Telecommunications, Inc.
2440 Marsh Lane
Carrollton, Texas 75006*

2. With regard to any such plans, state specifically whether the word "unlimited" refers to minutes of use, area(s) of calling or both. If the word "unlimited" modifies any other term(s) in the applicable tariff(s), please identify the term so modified.

For the MyLine Complete services, any reference to the term "unlimited" relates to minutes of use as well as the quantity of interstate and intrastate long distance calls a customer may place in accordance with the overall terms of service. For the Friends-R-Free discount program, any reference to "unlimited" relates to the quantity and minutes of use for calls placed by customers of the MyLine bundled services to other customers of MyLine bundles.

*Proposed Witness: Rebekah Chance, Director – Residential Products
Excel Telecommunications, Inc.
2440 Marsh Lane
Carrollton, Texas 75006*

**Attorney General's Supplemental Requests for Information
Case No. 2005-00186**

Response of Excel Telecommunications, Inc. (Continued)

* * * * *

3. With regard to the any such plans, state:

- a. whether the tariff indicates a penalty of any type or sort (including relegating the customer to a different plan) may apply in the event the customer exceeds any limitation on number of minutes included in the plan;

Yes. Excel's tariffs include references to the actions that the Company may take in the event that the customer's calling patterns exceed residential use. In addition, the Acceptable Use Policy ("AUP") for these plans also informs customers of these actions.

- b. nature of penalty;

Yes. As indicated in the tariff and the AUP, customers with usage not typical of a residential user may be assessed a usage fee and/or have their service plan terminated.

- c. whether the penalty has ever been imposed;

In those isolated instances where a customer's usage on the "unlimited" calling plans was deemed to be at a non-residential level, the Company has placed the customer on a service plan more suitable to his needs. Excel has never assessed the above-referenced usage fee to a customer.

*Proposed Witness: Rebekah Chance, Director – Residential Products
Excel Telecommunications, Inc.
2440 Marsh Lane
Carrollton, Texas 75006*

EXHIBIT A

Pages from Excel's Kentucky Tariffs

EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

Issued: January 28, 2004
Effective: February 27, 2004

Kentucky Tariff No. 3
Original Sheet 60.5

SECTION 3 - CONSUMER LOCAL SERVICE DESCRIPTIONS - (Continued)

3.2 LOCAL EXCHANGE SERVICES - (Continued)

3.2.7 EXCEL MyLineSM Complete Package


EXCEL MyLineSM Complete Package provides residential Customers in Kentucky with local and long distance calling for a flat rate. In order to subscribe to EXCEL MyLineSM Complete Package, the Customer must select EXCEL as the primary service provider for local exchange, intraLATA interexchange and interLATA interexchange telecommunications services. Furthermore, the Customer must select the EXCEL MyLineSM \$.05 Plan as described in Section 6.3 of EXCEL's Kentucky P.S.C. Tariff No. 2 "Telecommunications Services Tariff." The availability of EXCEL MyLineSM Complete Package to the Customer may be restricted based upon both EXCEL's access to services through the incumbent local exchange carrier and the Customer's creditworthiness as determined by information contained in a credit bureau report received from a credit reporting agency.

EXCEL MyLineSM Complete Package is a bundled service package which includes single line service and the following eight Call Management Features: Caller ID as described in Section 3.3.q, Call Waiting as described in Section 3.3.1, Three-Way Calling as described in Section 3.3.o, Call Waiting ID as described in Section 3.3.m, Call Return as described in Section 3.3.j, Speed Dialing 8 as described in Section 3.3.n, Call Forwarding as described in Section 3.3.d, and Auto Redial as described in Section 3.3.b. The Customer will also receive unlimited domestic long distance usage. The unlimited domestic long distance usage is for residential voice use only and applies to non-operator assisted, direct-dialed domestic calls. Use for home office, small business, large commercial business, or other commercial use is prohibited and may result in termination of the service.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 27 2004

PURSUANT TO 807 KAR 6.011
SECTION 9 (1)

BY 
EXECUTIVE DIRECTOR

Melissa A. Drennan, Esq.
Vice President - External Legal Affairs
Excel Telecommunications, Inc.
1600 Viceroy Drive
Dallas, Texas 75235
(214) 424-1000

(N)

(N)

SECTION VI - SPECIAL SERVICES, (Continued)

6.1 EXCEL MyLine Service - (Continued)

6.1.10 Other EXCEL MyLine Service Terms and Conditions:

The Company reserves the right to adjust a Customer's service upon appropriate notification. The Company reserves the right to disconnect Customer's residential service or to convert any plan associated with such service to a business plan upon appropriate notification if it is determined that usage is not consistent with normal residential applications. If it is determined that usage is not consistent with residential voice applications, Customer will be assessed a \$50.00 monthly recurring data usage charge or will be disconnected.

Charges applicable to the following call usage and/or service features are not included in EXCEL's MyLine Local Service Package Monthly Recurring Charge(s):

- Calls requiring operator assistance;
- Data transmission-type calls;
- Interstate or international service and/or line charge(s);
- Call blocking charges;
- Directory listing charges;
- Directory Assistance calls (including directory assistance with call completion);
- Per use charges not included in an EXCEL MyLine companion local service offering;
- Custom features not included in an EXCEL MyLine companion local service offering; and
- Taxes and other quasi-governmental surcharges.

PUBLIC SERVICE COMMISSION
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JUL 26 2002

PURSUANT TO 807 KAR 5.011.
SECTION 9 (1)

BY Stenhard Bell

SECRETARY OF THE COMMISSION
Effective: July 26, 2002

Issued: June 26, 2002

ISSUED BY: Jerry G. Kirby, Sr. Tariff Manager
Excel Telecommunications, Inc.
8750 North Central Expressway, Suite 2000
Dallas, Texas 75231
(214) 863-8000

N

SECTION VI - SPECIAL SERVICES, (Continued)

6.1 EXCEL MyLine Service - (Continued)

6.1.9 EXCEL MyLine Friends-R-Free Discount Program:

EXCEL MyLine Basic, EXCEL MyLine Value and EXCEL MyLine Complete Local Service Package Customers may place 1+, direct-dialed calls or they can use a Company-designated casual calling (dial-around) code when dialing long distance calls to other Customers subscribing to EXCEL MyLine Basic, EXCEL MyLine Value or EXCEL MyLine Complete Local Service Package(s), at no additional charge. In the event a Customer's applicable combined intrastate and interstate usage exceeds 3000 minutes in a given Customer's monthly billing invoice period, the per minute rates set forth herein will apply. (T)

Customer telephone numbers which are not capable of being subscribed to an interexchange carrier, and telephone numbers which are associated with Company 800/8XX service(s) or access codes associated with Company services other than switched services (e.g., wireless service telephone numbers, paging service numbers and calling card service numbers) are not eligible for inclusion in the EXCEL MyLine Friends-R-Free Discount Program.

If a Customer discontinues his or her EXCEL MyLine Service, only those eligible calls which were made while he or she was a Customer subscribing to Excel's long distance service and EXCEL MyLine Basic, EXCEL MyLine Value or EXCEL MyLine Complete Local Service Packages will receive the EXCEL MyLine Friends-R-Free Discount.

The EXCEL MyLine Friends-R-Free Discount does not apply to service which is provided on any special access line or Local Exchange Company service line for which the Customer pays a rate described as a business or commercial special access line in an applicable Local Exchange Company access service tariff. In addition, EXCEL's MyLine Friends-R-Free Discount is not available for Customers who subscribe to the EXCEL MyLine - Stand Alone Local Service offering.

Issued: January 28, 2004

Effective: February 27, 2004
PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

Issued By: Melissa A. Drennan, Esq.
Vice President - External Legal Affairs
Excel Telecommunications, Inc.
1600 Viceroy Drive
Dallas, Texas 75235
(214) 424-1000

FEB 27 2004

PURSUANT TO 807 KAR 5.011
SECTION 9 (1)

BY 
EXECUTIVE DIRECTOR

EXHIBIT B

Acceptable Use Policy as Found in Excel's Welcome Packet

Acceptable Use Policy

Standard Acceptable Use Policy

The MyLine service plans are for residential voice use only. Certain excessive uses or calling patterns may be considered evidence of abuse or disallowed commercial or data usage and may result in termination of the service and/or assessment of an additional fee. Calling patterns other than those which are considered usual and normal, based on customer calling history or industry standards, may cause termination of service. The MyLine service plans are intended only for residential voice usage. Use for home office, small business, large commercial business, or other commercial use is prohibited and may result in termination of the service. Customer account usage and calling patterns may be reviewed periodically at the discretion of Excel Telecommunications. Customer use of the MyLine Service plans that reflect calling patterns other than those which are considered usual and normal for residential customers, based on industry standards or personal past calling history, may be considered abuse and result in termination of service without refund or the possibility of renewal. Excel Telecommunications reserves the right in its sole discretion to cancel service for violation of this policy or other terms and conditions of service at any time. By selecting Excel Telecommunication MyLine service plans, the customer agrees to use the service in accordance with this Acceptable Use Policy and other terms and conditions of service and to indemnify and hold Excel Telecommunications harmless from any claims resulting from use or misuse of its products and services. This Acceptable Use Policy may be revised periodically without notice. Customers agree that revisions are applicable to their then current service and usage.

Prohibited Use/Abuse

The following are prohibited uses of the MyLine service plan that may result in termination of service:

- Calling patterns and usage which considerably exceed what is considered usual and normal for residential customers by industry standard
- Calling usage which considerably exceeds your established history of usage
- Use for any type of commercial business
- Commercial faxing, fax broadcasting, or fax blasting
- Use of auto-dialers or predictive dialer
- Use of phone chat rooms
- Calls to 900 or 976 numbers
- Modem data transfer or data transmission
- Use for medical transcription
- Use for call back, call sell, or debit card services
- Use for call centers or telemarketing
- Any use not consistent with residential voice usage, or for which the service is not otherwise intended

Customers with excessive use in one month may have their service plan evaluated for compliance with this Acceptable Use Policy. Depending on the evaluation results, customers whose use constitutes, in Excel's sole discretion, violation of this policy will be notified in writing that their MyLine service plans may be terminated and an alternative service plan offered, and/or additional data/commercial usage fees will be assessed for any subsequent violations. Excel Telecommunications reserves the right in the event of fraud or urgent circumstances, to terminate service immediately without notice.

EXHIBIT C

Acceptable Use Policy as Found on Excel's Website



Local Service

Products

Long Distance

Long Distance

Wireless

Internet Access

STANDARD ACCEPTABLE FRIENDS-R-FREESM AND UNLIMITED USE POLICY

XMI Radio

Acceptable Use Policy

WebBuilder^{Plus!}

The MyLineSM long distance service plans are for residential voice use only and provide unlimited interstate and intrastate long distance calls. The Friends-R-FreeSM service plan provides unlimited calls between residential telephone lines that are enrolled in the Friends-R-Free service plan. Only calls that originate from and terminate at telephone numbers enrolled in the Friends-R-Free service plan are eligible. Certain excessive uses or calling patterns, however, may be considered evidence of abuse or disallowed commercial or data usage and may result in termination of the service and/or assessment of a fee. Calling patterns other than that which are considered usual and normal, based on customer calling history or industry standards, may cause termination of service.

Bookmark!

The MyLine service plans are intended only for residential voice usage. Use for home office, small business, large commercial business, or other commercial use is prohibited and may result in termination of the service. Customer account usage and calling patterns may be reviewed periodically at the discretion of Excel Telecommunications. Customer use of the MyLine service plans that reflect calling patterns other than those that are considered usual and normal for residential customers, based on industry standards or personal past calling history, may be considered abuse and result in termination of service without refund or the possibility of renewal.

Excel Telecommunications reserves the right in its sole discretion to cancel service for violation of this policy or other terms and conditions of service at any time. By selecting Excel Telecommunications MyLine service plans, the customer agrees to use the service in accordance with this Acceptable Use Policy and other terms and conditions of service and to indemnify and hold Excel Telecommunications harmless from any claims resulting from use or misuse of its products and services.

This Acceptable Use Policy may be revised periodically without notice. Customers agree that revisions are applicable to your then current service and usage.

Prohibited Use/Abuse

The following are prohibited uses of the MyLine service plans that may result in termination of service:

- Excessive use for dialing POP dial-up numbers for Internet access
- Calling patterns and usage that considerably exceed what is considered usual and normal for residential customers by industry standards
- Calling usage that considerably exceeds your established history of usage
- Use for any type of commercial business
- Commercial faxing, fax broadcasting, or fax blasting
- Use of Auto-Dialers or predictive dialer
- Use of phone chat rooms
- Calls to 900 or 976 numbers
- data transmission or ISP connection
- Use for medical transcription
- Use for call back, call sell, or debit card services
- Use for call centers or telemarketing

Pay
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Since our found
1988, we've exp
our service offe
include a variet
paging, Interne
wireless and loc
services.

- Any use not consistent with residential voice usage, or for which the service is not otherwise intended

Customers who have excessive combined intrastate and interstate long distance usage in one month may have their service plan evaluated for compliance with this Acceptable Use Policy. Depending on the evaluation results, customers whose use constitutes, in Excel's sole discretion, violation of this policy will be notified in writing that their MyLine service plans may be terminated and an alternative service plan offered, and/or additional data/commercial usage fees assessed for any subsequent violation. Excel Telecommunications reserves the right in the event of fraud or exigent circumstances, to terminate service immediately without notice.

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