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July 15, 2005

VIA OVERNIGHT MAIL

Ms. Beth A. O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

RECEIVED

JUL 18 2005

PUBLIC SERVICE  
COMMISSION

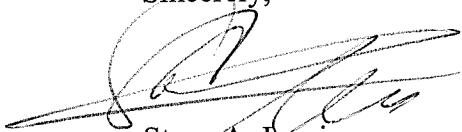
RE: Administrative Case No. 2005-00186  
Response by PNG Telecommunications, Inc. d/b/a PowerNet Global  
Communications d/b/a CrossConnect

Dear Ms. O'Donnell:

Enclosed for filing, please find an original and four copies of PNG's response to the above mentioned case. This response includes answers to the appendix in the original order and answers to the Attorney General's motion.

If there are any questions please call 513-645-4942 or email [slewis@pngcom.com](mailto:slewis@pngcom.com).

Sincerely,



Stacy A. Lewis  
Assistant Counsel

enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO LIMITATIONS )  
OF USE FOR TARIFFED SERVICES ) ADMINISTRATIVE  
DESIGNATED OR OTHERWISE ) CASE NO. 2005-00186  
REFERRED TO AS UNLIMITED )

Response by PNG Telecommunications, Inc.  
d/b/a PowerNet Global Communications d/b/a CrossConnect (PNG)

1. Does the utility offer a plan that is described, name, or marketed as “unlimited”? If yes, identify and describe the plan and provide copies of the tariff sheets on which the plans can be found.

PNG has three packages marketed to new customers as unlimited. Each plan is described below:

*Call to Connect Simple Bundled Service* – Provides Customers with Unlimited locals calls and thirty (30) minutes of long distance calling in the United States. Additional toll intraLATA and interLATA billed at a per minute rate. Customer must choose PNG as intraLATA and interLATA carrier.

*Call to Connect Bundled Service* – Provides Customers with Unlimited locals calls and one hundred twenty (120) minutes of long distance calling in the United States. Additional toll intraLATA and interLATA billed at a per minute rate. Customer must choose PNG as intraLATA and interLATA carrier.

*Call to Connect Plus Bundled Service* – Provides Customers with Unlimited locals calls and one hundred twenty (120) minutes of long distance calling in the United States, as well as the following custom calling features: Caller ID with name, Call Waiting and Caller ID Waiting. Additional toll intraLATA and interLATA billed at a per minute rate. Customer must choose PNG as intraLATA and interLATA carrier.

The approved tariff sheets are attached.

Administrative Case No. 2005-00186  
Response by PNG Telecommunications, Inc.  
d/b/a PowerNet Global Communications d/b/a CrossConnect (PNG)

2. If the utility has an “unlimited” plan, are there use restrictions or other limitation on the plan? If yes, describe the restrictions and reference the utility’s tariff.

There are no restrictions on the unlimited local calls described in the plans listed in question 1.

3. How and when are customers or potential customers notified of the limitations on the unlimited plan? Describe the notification.

There are no restrictions on the unlimited local calls described in the plans listed in question 1, therefore, notification is not necessary.

4. If third parties (agents, telemarketers, consignees, etc.) market, advertise or otherwise offer end-users the utility’s unlimited plan, explain how those “marketers” are required to verify compliance with the notice requirements.

There are no restrictions on the unlimited local calls described in the plans listed in question 1, therefore, notification is not necessary.

5. Assuming a customer has subscribed to an “unlimited” plan that has use limitations, is the customer notified when the limitations are exceeded? If yes, how is the customer notified?

There are no restrictions on the unlimited local calls described in the plans listed in question 1, therefore, notification is not necessary.

6. How and when are customers notified that changes have been made to the plan?

To date, changes have not been made to the plans. In the future, if changes are made, PNG will comply with the notice requirements of the Kentucky Public Service Commission.

7. Are customers able to check the number of minutes they have used in order to determine if they will exceed the plan’s limitations?

There are no restrictions on the unlimited local calls described in the plans listed in question 1.

8. Explain why the utility markets, names, or describes a plan as “unlimited” when limits on the plan exist.

There are no restrictions on the unlimited local calls described in the plans listed in question 1.

9. Explain how the utility ensures that the unlimited plan is offered and the rates terms, and conditions of service are applied without discrimination as required by KRS 278.170(1).

PNG’s order entry system only allows customers to have the unlimited plans at tariffed rates

10. Provide summary records of all complaints received by the utility regarding any unlimited plans offered in Kentucky since January 1, 2001. Include the date that the complaint was opened, customer class, description of complaint resolution, and date that the complaint was closed.

PNG has not had any complaints regarding unlimited plans offered in Kentucky.

## ATTORNEY GENERAL'S DATA REQUESTS

1. Please provide copies of all advertisements, regardless of medium, solicitations, and explanations provided 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.

Copies of PNG's websites are attached.

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.

Attached are blank LOA's that are presented to PNG's customers.

**SECTION 3 - DESCRIPTION OF SERVICE, Continued**

**3.6. RESIDENTIAL NETWORK EXCHANGE SERVICES**

Local Exchange Service Areas are described in Sections 3.1.3, 3.1.4, and Section 6. The Services and Packages in this Section are offered to Residential Customers only.

(M)  
(T)

**3.6.1. Residential Bundled Services**

(M)  
(T)

A. General - Network Exchange Bundled Service is a bundle or package of telecommunications Services including Local Exchange Service, intrastate and interstate long distance Service and custom calling features.

B. Bundled Service Packages - Residential packages may include Basic Local Exchange Service, IntraLATA Toll Service, InterLATA Toll Service and custom calling features. Wireless Service, voice mail and/or Internet access may be available with some packages at an additional charge.

I. *Call to Connect Simple Bundled Service* – Provides Customers with Unlimited locals calls and thirty (30) minutes of long distance calling in the United States. Additional toll intraLATA and interLATA billed at a per minute rate. Customer must choose PNG as intraLATA and interLATA carrier.

(M) (N)


II. *Call to Connect Bundled Service* – Provides Customers with Unlimited locals calls and one hundred twenty (120) minutes of long distance calling in the United States. Additional toll intraLATA and interLATA billed at a per minute rate. Customer must choose PNG as intraLATA and interLATA carrier.

III. *Call to Connect Plus Bundled Service* – Provides Customers with Unlimited locals calls and one hundred twenty (120) minutes of long distance calling in the United States, as well as the following custom calling features: Caller ID with name, Call Waiting and Caller ID Waiting. Additional toll intraLATA and interLATA billed at a per minute rate. Customer must choose PNG as intraLATA and interLATA carrier.

(M) (N)

Issued: June 8, 2005  
Issued by:

Bernie Stevens, President  
100 Commercial Drive  
Fairfield, OH 45014

|  |   |
|--|---|
| PUBLIC SERVICE COMMISSION<br>OF KENTUCKY<br>EFFECTIVE<br>6/28/2005<br>PURSUANT TO 807 KAR 5:011<br>SECTION 9 (1)<br>Effective: June 28, 2005 |   |
| By   | <br>Executive Director |



The shortest distance between you and the rest of t



## Local & Long Distance Bundles Local & Long Distance Bundle

### RESIDENTIAL VOICE

**Local & Long Distance  
On One Bill**

**Significant Cost Savings**

**24 Hour Customer Care**

**Simplified Plans**

**No Fees To Switch**

**Keep Your Current Number**

If you would like to download our full color product brochures, you will need to have Adobe Acrobat.

#### **PRINTABLE VERSION:**

Local & Long Distance Bundles

[DOWNLOAD NOW](#)

### **Local Service Bundles**

PowerNet Global offers a variety of local and long distance bundles to fit your specific needs. Simplify your and save money every month with the best choice in local and long distance service – all on one simple m bill. You can keep your current phone number and there are no time restrictions, switching fees, or long-tei contracts. See what it's like to get home phone service from a company that's grown strong by focusing on quality services and unrivaled customer support.

**Call to Connect:** Enjoy unlimited local calls and 120 minutes of domestic long distance included every mo Any additional long distance minutes are billed at PowerNet Global's money-saving rates.

#### **Includes:**

- Unlimited local calls
- 120 minutes of domestic long distance

**Call to Connect Plus:** Enjoy unlimited local calls and 120 minutes of domestic long distance included eve month. Caller ID, Call Waiting, Call Waiting ID also included. Any additional long distance minutes are bille PowerNet Global's money-saving rates.

#### **Includes:**

- Unlimited local calls
- 120 minutes of domestic long distance
- Caller ID
- Call Waiting
- Call Waiting ID

**Call to Connect Simple:** Enjoy unlimited local calls and 30 minutes of domestic long distance every mont additional long distance minutes are billed at PowerNet Global's money-saving rates.

#### **Includes:**

- Unlimited local calls
- 30 minutes of domestic long distance

Whichever local and long distance bundle you choose, you can be certain PowerNet Global is the right ch and we will work hard every day to keep your business.

To order: Contact your Authorized Local Independent Sales Representative or call 1-877-860-2561.



## LOCAL SERVICE PRODUCT PACKAGES

### Connecting You To What Matters Most

Local & Long Distance  
On One Bill

Significant Cost  
Savings

24 Hour Customer  
Care

Simplified Plans

No Fees To Switch

Aggressive  
International Rates

#### NEW VALUES IN RESIDENTIAL SERVICE

CrossConnect™ offers a variety of local and long distance service packages to fit each customers' specific needs. Simplify your life and save money every month with the best choice in local and long distance service - all on one simple monthly bill. You can keep your current phone number and there are no time restrictions, switching fees, or long-term contracts. See what it's like to get home phone service from a company that's grown strong by focusing on quality services and unrivaled customer support.

#### PRODUCT PACKAGES

##### Call to Connect Plus-

You'll receive unlimited local and 3 features with 120 minutes of FREE domestic long distance every month.

Any additional long distance minutes are billed at CrossConnect's money-saving rates.

3 features included - Caller ID, Call Waiting, Call Waiting ID.

##### Call to Connect-

You'll receive unlimited local with 120 minutes of FREE domestic long distance every month. Any additional long distance minutes are billed at CrossConnect's money-saving rates.

##### Call to Connect Simple-

You'll receive unlimited local and 30 minutes of FREE domestic long distance every month. Any additional long distance minutes are billed at CrossConnect's money-saving rates.

Call Waiting: Alerts you to other incoming calls while you are on the phone.

Call Waiting ID: Alerts you to other incoming calls and displays the number while you are on the phone.



[Printable Version](#)   [Return To Products Page](#)





CUSTOMER INFORMATION (WHERE THE SERVICE IS LOCATED)

NAME: ADDRESS: CITY: STATE: ZIP: SOCIAL SECURITY # CURRENT LOCAL PROVIDER: DO YOU HAVE DSL INTERNET SERVICE? YOU MAY NEED TO DISCONNECT YOUR DSL SERVICE TO RECEIVE PNG LOCAL.

BILLING INFORMATION (MUST BE COMPLETED)

E-MAIL ADDRESS: E-BILL PASSWORD: CONTACT NAME: CONTACT ADDRESS: CITY: STATE: ZIP: CONTACT PHONE #

CREDIT CARD PAYMENT (OPTIONAL) PLEASE CHARGE THIS CREDIT CARD FOR MY MONTHLY CHARGES - AN ITEMIZED CALL DETAIL REPORT WILL STILL BE SENT

CREDIT CARD: MC VISA AMEX DISCOVER NAME ON CARD: SIGNATURE: CARD NUMBER: EXPIRATION DATE: TODAY'S DATE:

TELEPHONE NUMBER:

CALL TO CONNECT SIMPLE: UNLIMITED LOCAL CALLS AND 30 MINUTES OF U.S. LONG DISTANCE INTERSTATE PIC CODE: INTRALATA PIC CODE:

CALL TO CONNECT: UNLIMITED LOCAL CALLS AND 120 MINUTES OF U.S. LONG DISTANCE INTERSTATE PIC CODE: INTRALATA PIC CODE:

CALL TO CONNECT PLUS: UNLIMITED LOCAL CALLS AND 120 MINUTES OF U.S. LONG DISTANCE PLUS CALLER ID, CALL WAITING, AND CALL WAITING ID INTERSTATE PIC CODE: INTRALATA PIC CODE:

IN ORDER TO RECEIVE THE U.S. LONG DISTANCE MINUTES INCLUDED IN THE CALLING PACKAGE, CUSTOMER MUST PICK PNG AS THEIR LONG DISTANCE CARRIER OF CHOICE FOR BOTH INTERSTATE AND INTRALATA SERVICE AND ENTER SUCH IN THE PIC CODES ABOVE.

ADDITIONAL FEATURES:

- NON-DIRECTORY NUMBER NON-PUBLISHED NUMBER ADDITIONAL LISTING SPEED DIAL 8 3 WAY CALLING CALL FORWARDING CALL WAITING CALLER ID CALL WAITING ID CALL RETURN ANONYMOUS CALL REJECTION CALL BLOCKING REPEAT DIAL

PLAN AND FEATURE PRICING VARIES BY STATE. ADDITIONAL TAXES AND SURCHARGES APPLY. FEATURES AND PACKAGES MAY NOT BE AVAILABLE IN ALL AREAS. CUSTOMER MUST CHOOSE PNG FOR LONG DISTANCE AND LOCAL LONG DISTANCE TO RECEIVE INCLUSIVE DOMESTIC MINUTES.

AUTHORIZATION FOR CREDIT CHECK - VIEW FULL TERMS & CONDITIONS AT HTTP://ECARE.PNGCOM.COM/SITE/SERVAGREE.PHP

- THIS ORDER IS SUBJECT TO CREDIT APPROVAL. TERMS AND CONDITIONS ARE SUBJECT TO STATE AND FEDERAL LAWS. INTRASTATE RATES VARY BY STATE. CUSTOMER HEREBY AGREES TO ACCEPT FINANCIAL RESPONSIBILITY FOR ALL CHARGES ARISING FROM THE USE OF SERVICES ABOVE. THE TERMS AND CONDITIONS OF SERVICE ARE AS STATED IN THIS LOCAL SERVICES APPLICATION AND IN APPLICABLE TARIFFS. CUSTOMER UNDERSTANDS THAT ALL BALANCES ARE DUE UPON RECEIPT PAYABLE DIRECTLY TO PNG TELECOMMUNICATIONS, AND THAT ALL BALANCES OUTSTANDING AFTER 30 DAYS ARE SUBJECT TO A LATE CHARGE OF 1.5% PER MONTH.

LETTER OF AGENCY

- I AUTHORIZE POWERNET GLOBAL COMMUNICATIONS (PNG) TO BE MY PRESUBSCRIBED CARRIER FOR THE SERVICES AND TELEPHONE NUMBERS(S) DESIGNATED ABOVE, AND NO OTHERS. I UNDERSTAND THAT BY SIGNING THIS FORM, PNG WILL BECOME MY PRESUBSCRIBED CARRIER FOR EACH SERVICE SO AUTHORIZED. I REPRESENT THAT I AM AUTHORIZED TO DESIGNATE THE PRESUBSCRIBED CARRIER FOR THE NUMBERS LISTED ABOVE, AND I AUTHORIZE PNG TO ACT AS MY AGENT IN SUBMITTING THIS AUTHORIZATION DESIGNATING PNG AS MY PRESUBSCRIBED CARRIER FOR EACH SERVICE ABOVE. YOU MAY CONFIRM THAT YOUR SERVICES HAVE BEEN CHANGED TO PNG BY CALLING 1-800-860-9495.

BY SIGNING YOUR NAME, YOU ARE STATING THAT ALL PRECEDING INFORMATION IS CORRECT AND THAT YOU FULLY AGREE TO THE TERMS & CONDITIONS.

SIGNATURE: PRINTED NAME: DATE: THIRD PARTY VERIFICATION #:

RATE CODES (FOR AGENT USE ONLY): 1+LD (MUST BE COMPLETED UNLESS CUSTOMER WISHES TO FORFEIT INCLUDED LONG DISTANCE MINUTES)

AGENCY CODE AGENT ID PHONE FAX



CUSTOMER INFORMATION (WHERE THE SERVICE IS LOCATED)

NAME: ADDRESS: CITY: STATE: ZIP: SOCIAL SECURITY # CURRENT LOCAL PROVIDER: DO YOU HAVE DSL INTERNET SERVICE? YES NO YOU MAY NEED TO DISCONNECT YOUR DSL SERVICE TO RECEIVE CROSSCONNECT LOCAL.

BILLING INFORMATION (MUST BE COMPLETED)

EEMAIL ADDRESS: EBILL PASSWORD: (10 CHARACTERS MAX) CONTACT NAME: CONTACT ADDRESS: CITY: STATE: ZIP: CONTACT PHONE #

CREDIT CARD PAYMENT (OPTIONAL) PLEASE CHARGE THIS CREDIT CARD FOR MY MONTHLY CHARGES -- AN ITEMIZED CALL DETAIL REPORT WILL STILL BE SENT

CREDIT CARD: MC VISA AMEX DISCOVER NAME ON CARD: SIGNATURE: CARD NUMBER: EXPIRATION DATE: TODAY'S DATE:

TELEPHONE NUMBER:

CALL TO CONNECT PLUS: UNLIMITED LOCAL CALLS AND 120 MINUTES OF U.S. LONG DISTANCE PLUS CALLER ID, CALL WAITING, AND CALL WAITING ID INTERSTATE PIC CODE: INTRALATA PIC CODE: (ENTER CROSSCONNECT, NONE, OR 4 DIGIT PIC CODE OF YOUR CARRIER OF CHOICE)

CALL TO CONNECT: UNLIMITED LOCAL CALLS AND 120 MINUTES OF U.S. LONG DISTANCE INTERSTATE PIC CODE: INTRALATA PIC CODE: (ENTER CROSSCONNECT, NONE, OR 4 DIGIT PIC CODE OF YOUR CARRIER OF CHOICE)

CALL TO CONNECT SIMPLE: UNLIMITED LOCAL CALLS AND 30 MINUTES OF U.S. LONG DISTANCE INTERSTATE PIC CODE: INTRALATA PIC CODE: (ENTER CROSSCONNECT, NONE, OR 4 DIGIT PIC CODE OF YOUR CARRIER OF CHOICE) IN ORDER TO RECEIVE THE U.S. LONG DISTANCE MINUTES INCLUDED IN THE CALLING PACKAGE, CUSTOMER MUST PICK CROSSCONNECT AS THEIR LONG DISTANCE CARRIER OF CHOICE FOR BOTH INTERSTATE AND INTRALATA SERVICE AND ENTER SUCH IN THE PIC CODES ABOVE. IF CUSTOMER DESIRES TO PICK ANY OTHER CARRIER, CUSTOMER MUST WRITE IN THE CORRECT PIC CODE FOR THEIR CARRIER OF CHOICE FOR BOTH THE INTERSTATE AND INTRALATA PIC CODES ABOVE OR THE LOCAL SERVICE APPLICATION WILL NOT BE PROCESSED.

ADDITIONAL FEATURES:

- NON-DIRECTORY NUMBER NON-PUBLISHED LISTING ADDITIONAL LISTING SPEED DIAL 8 3 WAY CALLING CALL FORWARDING CALL WAITING CALLER ID CALL WAITING ID (CALL WAITING DELUXE) CALL RETURN (AUTOMATIC CALL BLOCK) ANONYMOUS CALL REJECTION (PRIVACY MANAGER) CALL BLOCKING (CALL SCREENING) REPEAT DIAL (BUSY REDIAL)

PLAN AND FEATURE PRICING VARIES BY STATE. ADDITIONAL TAXES AND SURCHARGES APPLY. FEATURES AND PACKAGES MAY NOT BE AVAILABLE IN ALL AREAS. CUSTOMER MUST CHOOSE CROSSCONNECT FOR LONG DISTANCE AND LOCAL LONG DISTANCE TO RECEIVE INCLUSIVE DOMESTIC MINUTES. LONG DISTANCE MINUTES USED ABOVE AND BEYOND INCLUSIVE MINUTES WILL BE BILLED AT A PER MINUTE RATE. ASK YOUR CROSSCONNECT SALES REPRESENTATIVE FOR SPECIFIC PRICING DETAILS.

AUTHORIZATION FOR CREDIT CHECK - VIEW FULL TERMS & CONDITIONS AT HTTP://ECARE.CROSSCONNECTCOM.COM/SITE/SERVAGREE.PHP

- THIS ORDER IS SUBJECT TO CREDIT APPROVAL. TERMS AND CONDITIONS ARE SUBJECT TO STATE AND FEDERAL LAWS. INTRASTATE RATES VARY BY STATE. CUSTOMER HEREBY AGREES TO ACCEPT FINANCIAL RESPONSIBILITY FOR ALL CHARGES ARISING FROM THE USE OF SERVICES ABOVE. THE TERMS AND CONDITIONS OF SERVICE ARE AS STATED IN THIS LOCAL SERVICES APPLICATION AND IN APPLICABLE TARIFFS. CUSTOMER UNDERSTANDS THAT ALL BALANCES ARE DUE UPON RECEIPT PAYABLE DIRECTLY TO CROSSCONNECT, AND THAT ALL BALANCES OUTSTANDING AFTER 30 DAYS ARE SUBJECT TO A LATE CHARGE OF 1.5% PER MONTH.

LETTER OF AGENCY

- I AUTHORIZE CROSSCONNECT TO BE MY PRESUBSCRIBED CARRIER FOR THE SERVICES AND TELEPHONE NUMBERS(S) DESIGNATED ABOVE, AND NO OTHERS. I UNDERSTAND THAT BY SIGNING THIS FORM, CROSSCONNECT WILL BECOME MY PRESUBSCRIBED CARRIER FOR EACH SERVICE SO AUTHORIZED. I REPRESENT THAT I AM AUTHORIZED TO DESIGNATE THE PRESUBSCRIBED CARRIER FOR THE NUMBERS LISTED ABOVE, AND I AUTHORIZE CROSSCONNECT TO ACT AS MY AGENT IN SUBMITTING THIS AUTHORIZATION DESIGNATING CROSSCONNECT AS MY PRESUBSCRIBED CARRIER FOR EACH SERVICE ABOVE. YOU MAY CONFIRM THAT YOUR SERVICES HAVE BEEN CHANGED TO CROSSCONNECT BY CALLING 1-800-897-4440.

By signing your name, you are stating that all preceding information is correct and that you fully agree to the terms & conditions.

SIGNATURE: PRINTED NAME: DATE:

THIRD PARTY VERIFICATION #:

RATE CODES (FOR AGENT USE ONLY): 1+LD (MUST BE COMPLETED UNLESS CUSTOMER WISHES TO FORFEIT INCLUDED LONG DISTANCE MINUTES)

AGENCY CODE AGENT ID PHONE FAX