

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF INTERNATIONAL TELECHARGE,	)	
INC., FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO OPERATE AS A	)	CASE NO. 10002
RESELLER OF TELECOMMUNICATION SERVICES	)	
WITHIN THE STATE OF KENTUCKY	)	

O R D E R

On May 15, 1989, International Telecharge, Inc. ("ITI") requested through its monthly report an Order from the Commission instructing it as to the disposition of the money it was ordered to refund but has been unable to do so due to returned refund checks and unpaid credits, as is more particularly described in its May 15, 1989 monthly report. Additionally, ITI has requested that the Commission release it from the monthly reporting requirements. On June 8, 1989, ITI filed a Notice of Application of Final Refund Report, which explained to the Commission the discrepancy between the original refund plan figures that were ordered to be made and the amount of those refunds actually made by ITI. By Order dated November 23, 1988, ITI was ordered to refund all monies which were received by it for calls that originated and terminated in Kentucky prior to its lawful certification. A review of ITI's monthly report filed on May 15, 1989 and ITI's Notice of Application of Final Refund Report filed on June 8, 1989 indicates that ITI has been unable to refund

\$21,564.84 of the amount ordered to be refunded, because certain refund checks mailed by ITI were returned by postal services as undeliverable and because not all numbers were active at the time refunds were issued and ITI had no matching address to provide a refund. KRS 393.080(2) provides that the following sums are presumed abandoned and subject to escheat:

Any sum which a public utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by persons appearing on records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination order providing for the refund.

The Commission is of the opinion that ITI should hold all sums for which it was ordered to refund for a period of seven years pursuant to KRS 393.080 at which time it will be subject to escheat in accordance with KRS Chapter 393.

IT IS THEREFORE ORDERED that:


1. ITI shall hold all funds, totalling \$21,564.84, which it was ordered to refund but was unable to do so, for a period of seven years from the date of the Order providing for the refund, after which time the amount remained unclaimed shall be presumed abandoned and subject to escheat in accordance with KRS Chapter 393.

2. During the seven year period if ITI has any lawful claim for refund, it shall, in compliance with the refund Order, provide said refund and report the same to this Commission within twenty (20) days of making the refund.


3. ITI shall be discharged from any further filing upon its refund plan except as specified herein.

Done at Frankfort, Kentucky, this 26th day of July, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

Executive Director