



December 13, 2004
via U.S. Mail

210 N Park Ave.
Winter Park, FL
32789

Mr. Jason Bentley, General Counsel
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

Case 2005-00122

RECEIVED
DEC 14 2004
PUBLIC SERVICE
COMMISSION

P.O. Drawer 200
Winter Park, FL
32790-0200

RE: **TON Services Inc.**
Request for Reinstatement of Authority to Provider Telecommunications Services

Dear Mr. Bentley:

Tel: 407-740-8575
Fax: 407-740-0613
tmi@tminc.com

Pursuant to our conversation on October 18, 2004, this letter is submitted on behalf of TON Services, Inc. ("TON") to request reinstatement of its authority as a telecommunications reseller in Kentucky. TON is a provider of prepaid long distance debit cards and payphone services only. TON's authority was revoked by order issued October 8, 2003 in DN 2003-00370 for failure to submit its Report of Gross Earnings Revenues and to pay the required assessment. Research shows that TON did in fact submit its 2003 report, although it was not timely. The assessment fee has now been paid and received by the Kentucky Revenue Department. Please see attached documentation.

TON respectfully requests reinstatement of its authority to provide service. By way of information, as a provider of prepaid debit cards and payphone services only, TON no longer maintains a tariff on file with the Commission.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose.

Any questions you may have regarding this filing may be directed to my attention at (407) 740-3004 or at morton@tminc.com.

Sincerely,

Robin Norton
Consultant to TON Services Inc.

Enclosure

cc: Brett Sanford - TON
file: TON - KY
tms: KYx0402

Commonwealth of Kentucky
Kentucky Revenue Department
Frankfort
40602

December 9, 2004

Ton Services Inc.
P.O. Box 678
Brigham City, UT 84302

RE: Payment
CASE # 000745189

Dear Sir\Madam,

Your Kentucky tax liability has been resolved. The payment of \$50.00 was received and applied appropriately. Any questions you may have can be directed to me at the address or telephone number shown below.

Sincerely,



Leigh Ann Plunkett
Division of Collections
Revenue Department
200 Fair Oaks Ln.
Frankfort, Ky. 40601
(502) 564-4921, Ext. 4550



An Equal Opportunity Employer M/F/D

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE)
OF CERTAIN NON-DOMINANT)
TELECOMMUNICATIONS PROVIDERS)
TO FILE REPORTS OF GROSS) CASE NO. 2003-00370
OPERATING REVENUES OR TO)
PAY ASSESSMENTS PURSUANT)
TO KRS 278.140)

O R D E R

The Commission hereby serves notice upon certain non-dominant telecommunications providers who have filed tariffs to provide service in Kentucky, whose names and last-known addresses appear on Appendix A hereto, that they shall, within 30 days of the date of this Order, show cause why their authority to operate in this Commonwealth shall not be revoked for failure to comply with KRS 278.130 through KRS 278.150. In the absence of such showing and without further Commission Order, their authorization to provide service in Kentucky shall be revoked, their tariffs removed from the Commission's files, and their names stricken from the Commission's list of active utilities, without further Order.

KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year. Based upon these reports, the Commission certifies to the Revenue Cabinet and the Finance and Administration Cabinet the intrastate revenue so collected. KRS 278.150. The Revenue Cabinet then, for the purpose of maintaining the

Commission, assesses each utility in proportion to its receipts for intrastate business for the preceding calendar year. KRS 278.130. The assessment is to be paid by July 31. KRS 278.150(2). The minimum to be paid by each utility is \$50. KRS 278.130(1). KRS 278.990(3) provides for penalties for failure to pay an assessment pursuant to the foregoing statutes.

The utilities listed in Appendix A to this Order have neither submitted their reports of gross earnings nor paid assessments. Accordingly, it appears that they are subject to the penalties enumerated in KRS 278.990(3). However, it is not clear that these carriers are actively providing service in this Commonwealth. Moreover, it appears that pursuit of the assessments and penalties provided by KRS Chapter 278 would consume more of the Commission's limited resources than would be warranted.

Telecommunications is increasingly competitive, and regulatory oversight of such carriers is minimal. Pursuant to KRS 278.512, this Commission no longer issues a certificate for initial operations of non-dominant telecommunications carriers.¹ Each carrier simply files a tariff with the Commission, supplies necessary information regarding its corporate structure, and provides the name and address of its contact person for regulatory purposes.² Few carriers maintain an office in Kentucky and few are active in this state, despite their stated intent to do business here. Nevertheless, as utilities with tariffs in this state, the carriers are responsible for complying with statutory

¹ See Administrative Case No. 359, Exemptions for Interexchange Carriers, Long-Distance Resellers, Operator Service Providers and Customer-Owned, Coin-Operated Telephones (Order dated June 21, 1996); Administrative Case No. 370, Exemptions for Providers of Local Exchange Service Other Than Incumbent Local Exchange Carriers (Order dated January 8, 1998).

² Id.

and regulatory requirements that continue to apply, including KRS 278.130, KRS 278.140, and KRS 238.150.

Based on the foregoing, the Commission concludes that the public interest would be served best by sending this Order, by certified mail, to the regulatory contact person submitted pursuant to 807 KAR 5:003 by each of the utilities listed in Appendix A, putting each such utility on notice that it shall show cause to this Commission within 30 days from the date of this Order why it should not be subject to the penalties prescribed in KRS 278.990 for failure to comply with the statutes cited herein. The tariff of any utility failing to respond to this Order shall be removed from the Commission's files and its name stricken from the Commission's list of active utilities. At that time any customer it currently serves shall be notified that the utility no longer provides service in Kentucky and that the customer must obtain service from another carrier.

Should any utility whose tariff is stricken under the terms of this Order later wish to file a tariff to provide service in this Commonwealth, the assessments and penalties for its failure to comply with KRS 278.130, KRS 278.140, and KRS 278.150, together with accrued interest at the statutory rate of 6 percent per annum, shall be payable prior to the institution of service.

IT IS SO ORDERED.

Done at Frankfort, Kentucky, this 8th day of October, 2003.

By the Commission

(See document named "200300370_10082003apx.pdf" for appendix.)

ATTEST:


Executive Director

Case No. 2003-00370

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00370 DATED October 8, 2003

Non-Dominant Telecom Utilities That Have Not Filed Annual Reports/Revenue Reports

<i>Type</i>	<i>Name</i>	<i>ID Number</i>
505	AEP Communications, LLC	5201200
505	All-Communications	5052730
510	All-Star Acquisition Corporation	5165400
510	Alternate Communications Technology, Inc.	13006
510	America Net, Inc.	5145700
510	Blackstone Communications Company c/o Catlin Saxon Tuttle Evans, et al	5146000
510	CEO Telecommunications, Inc.	5116300
510	Choice One Communications of Ohio, Inc.	5152100
510	Comtel Network, LLC	5156500
510	Convergent Communications Services, Inc.	5146900
510	Corporate Services Telcom, Inc.	5123000
510	EqualNet Corporation	5107900
510	ESS.COM, L.L.C.	5154400
510	Everest Broadband Networks of Kentucky, Inc.	22205243
505	IG2, Inc.	5011200
510	Intelecall Communications, Inc.	5165100
510	Intelligent Switching & Software, LLC	5161600
505	Jilapuhn, Inc. dba VI-Telco	5050390
510	Keen LD, Inc.	5159900
510	LD Exchange.com, Inc. c/o TCS	5153500
505	Louisville Telephone Company, LLC	5053300
400	Maritel, Inc.	4000700
505	Maxcess, Inc.	22251517
510	MGEN Services Corp.	5164500
505	Momentum Business Solutions, Inc.	5051780
510	Power-Finder West Communications, LL	5161000
510	Shared Communications Services, Inc.	5131300
510	Southern Communications, LLC	5160400
510	St. Andrews Telecommunications, Inc.	5148300
510	Telliss, LLC	5163000
510	TON Services, Inc.	5148100
510	TransNet Connect, Inc.	5148200
400	Tri-Star Communications, Inc. dba Mayfield Answering Service	4000900
510	U.S. Bell	5157500
510	United Services Telephone, LLC	5132100
510	Zenex Long Distance, Inc.	5122200

David W. Aduddell
Zenex Long Distance, Inc.
201 Robert S. Kerr
Suite 500
Oklahoma City, OK 73102

Deborah Arnott
V.P. - Director of Compliance
IG2, Inc.
80-02 Kew Gardens Road
Suite 5000
Kew Gardens, NY 11415

Terry L. Ballantini
Telliss, LLC
10142 Brooks School Road
Suite 198
Fishers, IN 46038

Karen L. Bedell
Convergent Communications Services,
Inc.
P. O. Box 746237
Arvada, CO 80006-6237

Thomas Berkeemeyer
AEP Communications, LLC
1 Riverside Plaza
Columbus, OH 43215-2373

Ben Bickham
Alternate Communications Technology,
Inc.
1398 N. Shadoland Avenue
Suite 2233
Indianapolis, IN 46219

Lon E. Blake
Director of Regulatory Affairs
Shared Communications Services, Inc.
c/o Meredith H. Gifford
6540 Powers Ferry Road
Atlanta, GA 30339

Eric Bohman
Regulatory
CEO Telecommunications, Inc.
223 East De La Guerra
Santa Barbara, CA 93101

William Brzycki
U.S. Bell
8380 Louisiana Street
Merrillville, IN 46410

Dale Christensen
MGEN Services Corp.
2510 Redhill Avenue
Santa Ana, CA 92705

Iretha Corkran
Senior Regulatory Analyst
EqualNet Corporation
EqualNet Plaza
1250 Wood Branch Park Drive
Houston, TX 77079-1212

Bobbie Cowan
United Services Telephone, LLC
P. O. Box 220
Pegram, TN 37143

Alan Creighton
Momentum Business Solutions, Inc.
2090 Columbiana Road
Suite 3000
Birmingham, AL 35216

Elizabeth Crews
TransNet Connect, Inc
1413 S. Howard Avenue
Suite 209
Tampa, FL 33606

Jeffrey A. Feldman
Everest Broadband Networks of
Kentucky, Inc.
One Executive Drive
Fort Lee, NJ 07024

Christine Greene
All-Star Acquisition Corporation
1151 Seven Locks Road
Potomac, MD 20854

William R. Heitz, Esquire
ESS.COM, L.L.C.
300 West Pratt Street
Suite 425
Baltimore, MD 21201

Virginia Hood
Southern Communications, LLC
5033 Rockbridge Road
Shelbyville, KY 40065

Kenneth Jacobi
Intelligent Switching & Software, LLC
1020 N.W. 163rd. Drive
Miami, FL 33169

Linda Katz
Intelecall Communications, Inc.
11900 Biscayne Blvd.
Suite 201
Miami, FL 33181

Robert Katzen
Power-Finder West Communications, LLC
9250 Gaither Road
Gaithersburg, MD 20877

Christopher J. LaSaffre
Corporate Services Telcom, Inc.
360 Merrimace Street
Riverwalk Building 5
Lawrence, MA 01843-1740

Jim Marchant
Maxcess, Inc.
P. O. Box 951419
Lake Mary, FL 32795-1419

Erin K. Marshall
St. Andrews Telecommunications, Inc.
1915 West 24th. Street
P. O. Box 3250
Lawrence, KS 66046

N. Patrick Martin
Comtel Network, LLC
670 E. Bullard
Suite 103
Fresno, CA 93710

Kimberly Massey
Compliance Analyst
LD Exchange.com, Inc.
c/o TCS
1720 Windward Concourse
Suite 250
Alphartta, GA 30005

Barbara J. McDowell
Louisville Telephone Company, LLC
P. O. Box 221066
Louisville, KY 40252-1066

Jonathan E. Merrill
Maritel, Inc.
P. O. Box 6826
Gulfport, MS 39506-6826

Jim Migdal
Keen LD, Inc.
62 First Street, 4th. Floor
San Francisco, CA 94105

Rick Murray
All-Communications
2519 Madison Avenue
Covington, KY 41014

Eddie Pena
Blackstone Communications Company
c/o Catlin Saxon Tuttle Evans, et al
1700 Alfred I. duPont Building
169 East Flagler Street
Miami, FL 33131-1298

Mike Perkins
Tri-Star Communications, Inc.
dba Mayfield Answering Service
329 1/2 South Main Street
P. O. Box 364
Mayfield, KY 42066

Stan Roberson
Jilapuhn, Inc.
dba VI-Telco
P. O. Box 20734
Atlanta, GA 30320-0734

Kim Robert Scovill
Choice One Communications of Ohio,
Inc.
100 Chestnut Street
Suite 600
Rochester, NY 14604

Neil Vos
TON Services, Inc.
4185 Harrison Boulevard
Suite 301
Ogden, UT 84403

Maria Zepeda
Office Manager
America Net, Inc.
3435 Wilshire Blvd.
Suite 1090
Los Angeles, CA 90010