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Winter Park, FL
32789

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Winter Park, FL
32790-0200

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

July 21, 2005
Via Overnight

Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

**RE: Administrative Case No. 2005-00186; ACN Communication Services, Inc.
Responses to Commission and Attorney General Data Requests**

Dear Ms. O'Donnell:

Enclosed for filing are the original and five (5) copies the responses of ACN Communication Services, Inc. to the Commission and Attorney General Data Requests in the above-referenced proceeding. One copy of these responses is being filed with the Office of the Attorney General, Office of Rate Intervention.

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. Any questions you may have pertaining to this filing may be directed to me at (407) 740-8575 or via email at mbyrnes@tminc.com. Thank you for your assistance.

Sincerely,

Monique Byrnes
Consultant to
ACN Communication Services, Inc.

cc: Office of the Attorney General, Rate Intervention
T. Seat - ACN
file: ACN - KY
tms: kyX0506

RECEIVED

JUL 22 2005

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 on behalf of ACN Communication Services, Inc. ("ACN")

1. Does the utility offer a plan that is described, named 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.

ACN offers the Advantage Unlimited. Approved tariff pages are attached (Attachment PSC-1). The plan includes unlimited local and toll usage along with selected calling features.

2. If the utility has an "unlimited" plan, are there use restrictions or other limitations on the plan? If yes, describe these restrictions and reference the utility's tariff.

The plan does have restrictions, which can be found in the general services section of the tariff. Approved tariff pages are attached. Since the company has never implemented any of the restrictions in the tariff or in its posted terms and conditions, the company has filed to delete those restrictions from the Kentucky tariff. The revision is scheduled to be effective August 12, 2005.

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

Information containing the company's general terms and conditions is found on the company's website. All customers are provided with the company's website for reference. In addition, all customers receive a copy of the company's general terms and conditions with their welcome package or first invoice. The terms and conditions have been modified to be consistent with the recently revised tariff in Kentucky.

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.

The company's agents do not provide customers with notice on the limitations of the unlimited plan because the company has not implemented such limitations to date.

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?

The company has not implemented its limitations and therefore has not notified any customers to date.

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

Should changes be made to the plan, customers would receive notice through a bill message and such changes would be made to the general company terms and conditions posted on the company website.

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?

No, the company does not have the technical capability to provide real time feedback on plan minutes used.

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

The company has never implemented any of the limitations and believes its plan is truly unlimited.

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).

The company has never implemented any of the limitations and believes its plan is truly unlimited.

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, description of complaint resolution, and the date that the complaint was closed.

The company has had no complaints on its unlimited product in Kentucky since January 1, 2001.

ADMINISTRATIVE CASE NO.2005-00186
RESPONSE OF ACN COMMUNICATION SERVICES, INC. ("ACN")
TO
COMMISSION DATA REQUESTS DATED JUNE 22, 2005
Attachment PSC-1

Issued: March 10, 2004

Effective: April 9, 2004

SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D)

5.2 Residential Services, (Cont'd.)

5.2.1 Residential Bundled Services, (Cont'd.)

A. General, (Cont'd.)

The local exchange access line is a voice-only line for use by residential customers. If it is determined that usage is not consistent with residential voice applications, the Customer's service may be assessed a \$50.00 monthly recurring data usage charge, advised to purchase a data/fax line specifically designed for such purposes, or be disconnected.

Customers subscribing to the Company's Bundled Services must choose ACN as the local, intraLATA and interLATA primary carrier. Customers who later choose a carrier other than ACN for intraLATA or interLATA calling will remain on this service until the Company is notified that this service is no longer the service of choice for the Customer.

All local exchange access lines block 900/976 calling.

Travel Card Service is available to Customers upon request. Travel card calling is not included in any call allowance (See the Company's Kentucky Tariff No. 1).

(M)

(M)

Material now found on this page previously found on Original Page 2, Section 5

Issued: July 13, 2005

Effective: August 12, 2005

SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D)

5.2 Residential Services, (Cont'd.)

5.2.1 Residential Bundled Services, (Cont'd.)

A. General, (Cont'd.)

(D)
—
(D)

Customers subscribing to the Company's Bundled Services must choose ACN as the local, intraLATA and interLATA primary carrier. Customers who later choose a carrier other than ACN for intraLATA or interLATA calling will remain on this service until the Company is notified that this service is no longer the service of choice for the Customer.

All local exchange access lines block 900/976 calling.

Travel Card Service is available to Customers upon request. Travel card calling is not included in any call allowance (See the Company's Kentucky Tariff No. 1).

Issued: March 10, 2004

Effective: April 9, 2004

SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D)

5.2 Residential Services, (Cont'd.)

5.2.1 Residential Bundled Services, (Cont'd.)

D. ACN Advantage Unlimited

(N) (D)

ACN Advantage Unlimited provides Customers with a voice local exchange line with unlimited local calling, selected calling features at no additional charge, and unlimited intrastate/ interstate toll calling. An optional data/fax line is available as an additional line, and includes unlimited local calling.

.1 Service Features

ACN Advantage Unlimited includes the following features:

- a. Local exchange voice line and unlimited local calling.
- b. Custom Calling Features: Caller ID Name Display, Call Waiting, Three Way Calling, Auto Redial, Auto Call Back *69, Call Screening, Call Forward, Speed Calling 8, Anonymous Call Rejection.
- c. Unlimited direct dial toll calling at no charge. Toll free calling and calls made via Company Calling Card are not included.
- d. Residential ACN Subscriber to Subscriber Calling at no charge.
- e. Optional Data/Fax lines include local exchange line and unlimited local calling. See the Company's Kentucky Tariff No. 1 for intrastate toll call timing and rates.

(D)

(N)

Issued: February 22, 2005

Effective: March 25, 2005

SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D)

5.2 Residential Services, (Cont'd.)

5.2.1 Residential Bundled Services, (Cont'd.)

D. ACN Advantage Unlimited, (Cont'd.)

2. Non-Recurring Charges

Service connection charges may apply. See Section 4.1 of this tariff. The Service Connection fee is waived for those Customers who retain their existing telephone number when switching their service to ACN.

.3 Monthly and Usage Rates

Monthly Recurring Charge:

ACN Advantage Unlimited Access Line:	\$55.75 (I)
Data/Fax line:	\$13.99

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)	

Kentucky Attorney General Data Request

Response by ACN Communication Services, Inc.

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.

ACN does not advertise its services except via the company website. The company does not have any print collateral sales materials or conduct inbound or outbound telemarketing. Copies of relevant information contained on the Company's website and copies of the Company's welcome package information are attached. (See Attachment AG-1.)

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.

The company does not execute contracts for Advantage Unlimited service other than standard Letters of Agency for carrier change.

ADMINISTRATIVE CASE NO.2005-00186
RESPONSE OF ACN COMMUNICATION SERVICES, INC. ("ACN")
TO
ATTORNEY GENERAL DATA REQUESTS
Attachment AG-1



[products](#)

Local Calling

[Overview](#)

[Local Calling](#)

[Residential](#)

[Business](#)

[Long Distance](#)

[Internet-DSL](#)

[Energy](#)

[VoIP](#)

[Wireless](#)

[Promotions](#)

Check ACN Local Advantage Service Availability in Your Area and Start Saving Today!

Enter the area code and first 3 digits of your phone number: () - XXXX

Then select your service needs: Residential Business

Local Calling...Meets Long distance plus DSL


Welcome to ACN Advantage - the solution to all of your communication needs. *ACN Advantage* represents the union of ACN's premier local and long distance calling plans combined with ACN's DSL service together on one bill and in one easy to understand package.

ACN offers plans to fit your needs:

ACN Advantage DSL Internet

The World at Your Fingertips
Create a complete, comprehensive package by adding ACN Advantage DSL Internet Access to any ACN Advantage calling plan.

LEARN MORE >>



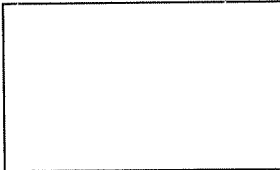
ACN Advantage Home	ACN Advantage Plus	ACN Advantage Complete	ACN Advantage Unlimited
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For those who make fewer than 250 calls per month

UNLIMITED local calling

UNLIMITED local calling plus up to 300 **FREE** long distance

UNLIMITED local AND long distance calling



month

FREE long distance minutes** in selected markets

*ACN-to-ACN Free Calling, nationwide

*ACN-to-ACN Free Calling, nationwide

*ACN-to-ACN Free Calling, nationwide

*ACN-to-ACN Free Calling, nationwide

Free calling features such as Caller ID, Call Waiting and Three Way Calling

Free calling features such as Caller ID, Caller ID w/Name, Call Waiting, Call Forward and Three Way Calling

Free calling features such as Caller ID, Caller ID w/Name, Call Waiting, Call Forward, Three Way Calling, Call Blocking, Speed Dialing, Auto Redial and Auto Call Back (*69).

Free calling features such as Caller ID w/Name, Call Waiting, Call Forward, Three Way Calling, Auto Redial, Auto Call Back (*69).



Use the service availability tool on this page to find the ACN Advantage plan for your calling area.

*ACN-2-ACN Free Calling includes outbound, direct dialed, domestic voice calls and is limited to ACN residential customers only, with typical residential calling patterns as defined by ACN. ACN's Acceptable Use Policy for ACN-2-ACN Free Calling can be found [here](#). ACN reserves the sole right to disconnect, or switch to another plan, any user who abuses the Acceptable Use Policy. ACN Advantage Data/Fax Line does not qualify for this feature.

**Features, pricing and free long distance minutes vary by state.

[View Terms & Conditions of Service](#)





www.acninc.com

Customer Service 1-888-ACN-9013

 Email Address

 Phone Number

 Name

Your ACN Independent Representative

Please feel free to contact our Customer Service Department for all of your service needs. Our agents are available by calling **1-888-ACN-9013**, 24 hours a day, seven days a week, 365 days a year.

Your satisfaction is our definition of success!

Welcome...



to ACN Advantage





Dear Valued New ACN Customer,

On behalf of all of us at ACN, we would like to officially welcome you to the ACN Advantage family of customers. We couldn't be more excited that you have decided to put your service in our capable hands, and we don't take that decision lightly. We believe our customers are more than just a number; you are our friends and our neighbors, and we are committed to your complete satisfaction with every call.

By selecting one of our premier ACN Advantage plans, you have taken the first steps toward simplifying your life. By combining local, long distance, and DSL service together into a single, easy to understand plan, which comes to you on one, simple bill, ACN is saving you time and money.

Thank you for choosing ACN Advantage – the solution to all of your communication needs. We look forward to serving you for years to come.

Very Best,

Charles F. Barker, CEO

Greg Provenzano, President and Co-Founder

About Your First Bill

Like other telecommunication service providers, ACN bills your monthly service fees in advance. Therefore, your first bill will include monthly service charges billed in advance for your first full month of service, as well as fractional charges for a partial month covering your initial connection date up to your first bill date.

A Company Who Cares

Once your service has been switched to ACN, you will probably receive a call from your previous provider offering you a new plan to entice you to come back. If this should occur, we encourage you to question why this plan was not available to you prior to leaving their service. Then, we invite you to contact your ACN Independent Representative, who now serves as your personal telecommunications consultant, so that they may assist you in comparing any offers presented. ACN values you from start to finish, and we are committed to saving you both time and money by offering you our best plans up front, from day one. That's the real ACN Advantage.

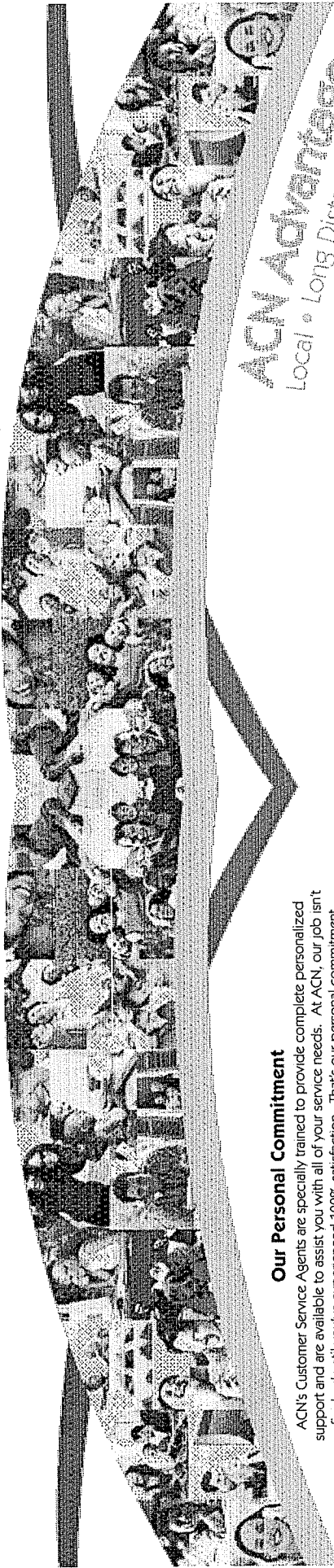
Freedom You Can't Put a Price On

ACN gives you the freedom most other companies can't with a feature we call ACN-2-ACN Free Calling.* ACN-2-ACN Free Calling is automatically included on all of our U.S. residential plans. This amazing benefit allows you to call any other ACN U.S. residential customer, as often as you want, talk as long as you like and it's absolutely free! So refer a friend or family member today, and remember, the more people you refer, the more money you save.

That's freedom you simply can't put a price on!

*ACN-2-ACN Free Calling includes outbound, direct dialed, domestic voice calls and is limited to ACN U.S. residential customers only, with typical residential calling patterns as defined by ACN. ACN's Acceptable Use Policy for ACN-2-ACN Free Calling can be found on www.acninc.com. ACN reserves the sole right to disconnect, or switch to another plan, any user who abuses the Acceptable Use Policy. ACN Advantage Data/Fax Line does not qualify for this feature.

Discover**



ACN Advantage
Local • Long Distance • DSL

Our Personal Commitment

ACN's Customer Service Agents are specially trained to provide complete personalized support and are available to assist you with all of your service needs. At ACN, our job isn't finished until you've experienced 100% satisfaction. That's our personal commitment. ACN's Customer Service Department is available by calling 1-888-926-9013.

The Real ACN Advantage

One convenient bill for your local calling, long distance and DSL services. Outstanding money-saving plans catered to meet your unique needs. Exceptional add-ons providing a complete communications package. Unlimited ACN-2-ACN Free Calling. Quick, reliable customer service you can count on, all from a company that puts you first. That's the real ACN Advantage.

*ACN-2-ACN Free Calling includes outbound, direct dialed, domestic voice calls and is limited to ACN U.S. residential customers only, with typical residential calling patterns as defined by ACN. ACN's Acceptable Use Policy for ACN-2-ACN Free Calling can be found on www.acninc.com. ACN reserves the sole right to disconnect, or switch to another plan, any user who abuses the Acceptable Use Policy. ACN Advantage DataFax Line does not qualify for this feature.

ACN Visit www.acninc.com to learn more about ACN's other products and services.

One Company • One Bill • One Complete Solution

ACN

♦ ♦ ♦ And Change the Way You Think About Local Calling, Long Distance and DSL.

Imagine...One Company, One Bill, All Your Communication Needs

Imagine having the power to choose a calling plan that's right for you, one that fits both your budget and your communication needs. Imagine making calls and surfing the web without the worry of time or costs adding up. Imagine having instant access to a world of information, and to the important people in your life. Now imagine getting all this and more from a company you can trust - a company who puts your satisfaction at the top of its list. With ACN, you can stop imagining it and start living it.

Welcome to ACN Advantage - the solution to all of your communication needs. ACN Advantage represents the union of ACN's premier local and long distance calling plans combined with ACN's DSL service together on one bill and in one easy to understand package.

The Power of Choice

ACN offers three to four Advantage plans in each market, from the feature rich to plans on the lighter side and everything in between - all designed to fit every customer's calling needs and budget. And to help

ensure every customer experiences 100% satisfaction call after call, ACN has created the guidelines below for use when determining which plan best suits your calling patterns.

ACN-2-ACN Free Calling* New. Innovative. Unlimited.

With an outstanding feature called ACN-2-ACN Free Calling, we give new meaning to the words affordable phone service. ACN-2-ACN Free Calling is automatically included on all of our U.S. residential plans. This amazing benefit allows you to call any other ACN U.S. residential customer, as often as you want, talk as long as you like and it's absolutely free!

ACN International Calling Plans

Regardless of which ACN Advantage plan you select, ACN's Basic International Rates are included. ACN's International Plus and Asian-Pacific calling plans allow you to keep in touch with your friends and family all over the world for even less. Both offer exceptionally low rates for only \$3 each per month. Often the savings from just one call will cover this nominal fee.

Selecting the Right ACN Advantage Plan

Use the questions below to determine the appropriate plan:

1. How many minutes of long distance do you use each month?
2. How many local minutes do you use each month?
3. How many local calls do you make each month?

Some of our most popular features include:

	Home	Plus	Unlimited
Local minutes	Less than 60 minutes	60-300 minutes	300+ minutes
Local calls	Less than 30 minutes	More than 30 minutes	More than 30 minutes
Local calls	2-3 features	3-5 features	4-10+ features

The World at Your Fingertips

ACN Advantage DSL Internet Access

With ACN Advantage you can truly have a complete, comprehensive communications package. Every DSL plan offers extraordinary service and quality connections that are always available!

The DSL Advantage:

- Fast** Up to 50 times faster than dial-up.
- Reliable** DSL utilizes proven technology of your phone line.
- Secure** Unlike cable access which is shared, your private phone line is secure.
- Always On** Say goodbye to busy signals, lost connections and time-outs. Say hello to an internet that's always on and always available - even while you're on the phone.

Each DSL plan offers:

- modem and installation kit
- free technical support, 365 days/year
- lightning-fast speed
- 10 email accounts
- 15 MB of personal web space
- ACN home portal with access to the latest news, weather and sports - www.acn.net

Choose the Speed You Need:

Allows casual users to enjoy web surfing, home banking, online shopping and chatting at a new pace. This budget-friendly plan is great for the single computer.

Designed for moderate users who require additional speed needed for basic online games, or audio and video streaming. With this plan you can even build your own home network by connecting multiple computers to the Internet.

Designed for frequent users requiring maximum speed. With speeds up to 1.5 Mbps, this plan is perfect for heavy web surfing and provides optimum performance for online gaming and downloading MP3 files, while taking audio and video streaming to a whole new level. This plan is perfect for users requiring a state-of-the-art home office.

Ongoing Technical Support

ACN has specially trained staff available to provide high-quality service and technical support for all your DSL needs.

Please note: ACN DSL service is subject to geographic and speed availability. Check ACN DSL availability in your area by using the look-up tool on www.acn.net.



Local Res Welcome KY Letter
John Sample
123 Main St
City, KY 40003

152-BPOM-412

Dear Mr Sample,

Welcome to ACN!

Thank you for selecting ACN as your new local and long distance telephone service provider. We value the opportunity to keep you in touch with the important people in your life, and we look forward to providing you with outstanding customer service. *ACN is currently processing your order, and you should begin receiving service fom ACN within the next fw da ys.*

As an ACN Advantage customer, you will enjoy some of the industry's most competitive rates, all your favorite features and the convenience and simplicity of one provider for your local and long distance calling needs. Not to mention, you get all this at a price you can afford. Plus, you'll also receive **ACN-2-ACN Free Calling**, which allows you to call any other ACN U.S. residential customer as often as you want, and talk as long as you like for absolutely no additional charge.

A detailed explanation o fthe plan you selected, in addition to the other fatures you ma yhave chosen, is provided fr your convenience on the back o fthis letter. If you have any additional questions, or if we can ever be of assistance, please contact us at the following toll-free numbers:

English: 1-888-ACN-9013
Servicio en Espanol: 1-888-303-6226

Thank you again for selecting ACN.

Sincerely,

ACN's Customer Service Team

Important Information About Your First Bill:

Monthly service fees are billed one month in advance. Therefore your first bill may be higher because it includes:

1. Monthly service charges billed in advance for your first full month of service.
2. Charges pro-rated for a partial month covering your initial service date through the first bill date (depending on when you signed up for service). This pro-ration only occurs on your first bill, or if you make changes to your plan in the future.



Thank you for choosing ACN for your calling needs!

The following describes the services you have selected and the associated charges for each. For additional information regarding functionality and user instructions, please review the enclosed ACN Service Guide, and keep this booklet handy for future reference.

TELEPHONE NUMBER: 555-555-4444

<u>Plan Name</u>	<u>Per Month Charge</u>	<u>One-Time Charges</u>
ACN Advantage Unlimited	\$55.75	\$0.00

Includes unlimited local and long distance calling

Calling Features Included In The Plan At No Additional Charge**

Caller ID with Name***	Auto Call Back(*69)	Speed Calling 8
Call Waiting	Three-Way Calling	Anonymous Call Rejection
Auto Redial	Call Forward	
Call Waiting ID***	Call Screening	

** Features are subject to geographic availability.

*** Caller ID service does not include equipment and is subject to service availability.

Service is intended for residential voice use only. An additional monthly fee may be assessed for Internet or data usage.

The following options have been ordered: Yes(Rate), No(N), or Included in the rate plan(I). International = \$3.00; Non-Published Service = \$4.00; Voicemail = \$1.50; Asian-Pacific International = \$3.00; Inside Wire Maintenance = \$4.00

Long Distance Rates

All applicable Long Distance usage for all lines ordered will be rated as follows:

IntraLATA \$0.05 per minute Intrastate \$0.05 per minute Interstate \$0.049 per minute

(NOTE: The ACN Advantage Unlimited Plan includes unlimited long distance calling, therefore, these rates do not apply to this particular plan.)

<u>Plan Name</u>	<u>Per Month Charge</u>	<u>One-Time Charges</u>
ACN Advantage DSL	\$29.95	\$9.95 Shipping & Handling
Internet Access Premium		\$99.00 Modem
DSL Cost Recovery Charge	\$1.21	

Features Included In The Plan At No Additional Charge:

- 10 email accounts
- 15 MB of personal web space
- free technical support at: 1-886-330-8DSL

If you have any questions regarding this information, please contact Customer Service.

English: 1-888-ACN-9013 Service en Espanol: 1-888-303-6226