

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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AUG 29 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 )

ATTORNEY GENERAL'S MOTION  
FOR HEARING

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and moves the Public Service Commission to set a hearing in the above captioned matter. This motion is made on the following grounds.

In the Commission's order dated 22 June 2005 opening this docket, the Commission asked ten data requests and the Attorney General was granted leave to have the companies respond to two additional data requests. After a thorough review of the responsive materials, a few general observations and concerns must be made. Some companies are offering "unlimited" calling plans whereas in fact there are limits on the number of minutes afforded under the plan. One need not be an attorney to understand the common usage of the definition of unlimited to mean "having no limits". Hence by capping the number of minutes available under the plan, questions arise as to the appropriateness as well as the legality of doing same. These questions are then compounded by the way in which the plans are advertised or otherwise offered.

Furthermore, other restrictions are imposed by some companies. A few of the other limitations relate to voice-to-voice calls and residential lines only. These, too, have become more problematic by the way that they are advertised or otherwise offered.

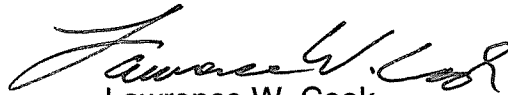
Accordingly, given the fact that certain companies offer "unlimited" calling plans which are not truly unlimited, the Commission should hold a hearing in order to determine whether the responsible companies have complied with the Commission's governing authority.

WHEREFORE, the Attorney General respectfully moves the Commission to set a hearing in the above captioned matter. However, in an attempt to address his concerns in an informal manner and perhaps avoid a hearing, the Attorney General respectfully requests that the Commission schedule an informal conference in this case in order to provide the parties with an opportunity to resolve any issues outside of the hearing process. In the event the Attorney General is able have his concerns resolved satisfactorily, he will withdraw his request for hearing.

Respectfully submitted,

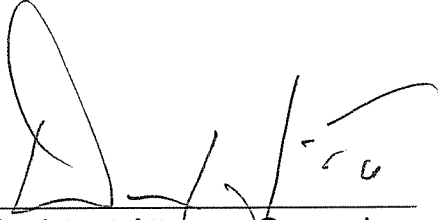
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*Certificate of Service and Filing*

Counsel certifies that an original and ten photocopies of this Motion For Hearing was filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy of the same, first class postage prepaid, to all parties on the Public Service Commission's website at [psc.ky.gov/docket\\_web\\_reports/Criteria\\_INT25L.pdf](http://psc.ky.gov/docket_web_reports/Criteria_INT25L.pdf) as of 5 August 2005, all on this 29th day of August, 2005.



Assistant Attorney General