

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF VERICALL SERVICES, INC. )  
FOR THE ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO ) CASE NO. 10162  
OPERATE AS A RESELLER OF TELECOMMUNI- )  
CATIONS SERVICES WITHIN THE COMMONWEALTH )  
OF KENTUCKY )

O R D E R

On February 11, 1988, VeriCall Services, Inc. ("VeriCall"), filed an application for authority to provide intrastate operator assisted resale telecommunication services. Several motions for intervention were granted. Intervenors in this matter include South Central Bell Telephone Company, American Operator Services, Inc., and International Telecharge, Inc.

On September 19, 1988, VeriCall filed a motion requesting that the Commission dismiss its application. In support of its motion VeriCall states that it is not a utility within the meaning of KRS Chapter 278. VeriCall explains that it originally filed an application due to VeriCall's assumption that it might be a utility as defined by the statute. VeriCall now claims that it has become evident that VeriCall is not a utility. According to the motion, VeriCall provides services only to AmeriCall Systems of Louisville ("AmeriCall"), enhancing the AmeriCall network and the service that AmeriCall provides to the public. VeriCall does not have the capability of originating or terminating telephone

messages without AmeriCall. The claims made in VeriCall's motion are supported by affidavits from Thomas A. Dieruf and Joseph L. Riley -- both are vice presidents of AmeriCall. AmeriCall is authorized to provide long distance services within Kentucky and has a tariff that permits AmeriCall to provide certain operator assisted services to its subscribers. No responses to VeriCall's motion have been received.

Exhibit A to VeriCall's motion contained a confidential response to the Commission's Order of July 20, 1988. This response was granted confidential status on October 11, 1988.

In its motion, VeriCall argues that the regulation of VeriCall as a utility would result in a duplication of Commission effort. VeriCall compares its relationship with AmeriCall to that between other vendors that provide operator services to interexchange carriers, and such carriers. For example, National Data Corporation, which provides operator services to US Sprint, is not a utility, and is not regulated by this Commission. VeriCall argues that the Commission may adequately protect Kentucky ratepayers through the regulation of AmeriCall, over which the Commission has proper jurisdiction.

The Commission, having reviewed VeriCall's motions, the affidavits filed in support of the motion, and VeriCall's response to the Commission's July 20, 1988 Order, is of the opinion and **FINDS** that:

1. The provision of operator services by VeriCall to AmeriCall pursuant to a contract does not make VeriCall a utility within the meaning of KRS 278.010(3)(e); and

2. The provision of operator services to AmeriCall under contract does not require Commission approval.

IT IS THEREFORE ORDERED that VeriCall's motion be, and it hereby is, granted and this matter be, and it hereby is, dismissed.

Done at Frankfort, Kentucky, this 28th day of October, 1988.

PUBLIC SERVICE COMMISSION

*Richard D. Henry, Jr.*  
Chairman

*Robert M. Davis*  
Vice Chairman

*Spencer A. Williams, Jr.*  
Commissioner

ATTEST:

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Executive Director