

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AMERICAN PUBLIC COMMUNICATIONS,)
INC. TO OPERATE AS A RESELLER OF INTEREXCHANGE) CASE NO.
TELECOMMUNICATIONS SERVICES AND OPERATOR) 90-277
SERVICES WITHIN THE STATE OF KENTUCKY)

O R D E R

On October 23, 1990, American Public Communications, Inc. ("APC") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to provide intrastate interLATA telecommunications services including interLATA operator-assisted services.

The Commission ordered APC to file additional information by Orders dated October 15, 1990, January 18, 1991, April 19, 1991, and May 6, 1991. APC filed its responses on November 15, 1990, March 19, 1991, May 28, 1991, and June 10, 1991.

On October 12, 1990, South Central Bell Telephone Company filed a motion for intervention in this case. This motion was granted on October 24, 1990.

The Commission established Administrative Case No. 330¹ to address the restrictions and guidelines for the provision of operator-assisted telecommunications services by non-local exchange carriers.

¹ Administrative Case No. 330, Policy And Procedures in the Provision of Operator-Assisted Telecommunications Services.

Based on its application and responses, APC is aware of Administrative Case No. 330 and has stated its ability and intent to comply with the Orders issued in that case. Therefore, APC should be authorized to provide intrastate interLATA operator-assisted services, subject to all guidelines, requirements, restrictions, and conditions of service addressed in Administrative Case No. 330.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. APC be and it hereby is granted authority to provide intrastate interLATA telecommunications services including interLATA operator-assisted services, subject to all restrictions, conditions of service, and guidelines described in the March 27, 1991 Order in Administrative Case No. 330. Those requirements are:

a. Operator-assisted services shall be subject to rate regulation and rates shall not exceed AT&T Communications of the South Central States, Inc.'s ("AT&T") maximum approved rates. "Maximum approved rates" is defined as the rates approved by this Commission in AT&T's most recent proceeding for measured toll service applicable to operator-assisted calls as well as the additional charges for operator assistance. APC is not permitted to include any other surcharge or to bill for uncompleted calls. APC is also required to rate calls using the same basis that AT&T

uses to rate calls, i.e., distance calculations based on points-of-call origination and termination, definitions of chargeable times, billing unit increments, rounding of fractional units, and minimum usages. When there is any change in AT&T's maximum approved rates, APC shall file tariffs necessary to comply with the requirements herein within 30 days from the effective date of AT&T's rate change.

b. APC shall be subject to regulation as delineated in the May 25, 1984 and October 26, 1984 Orders in Administrative Case No. 273,² as well as any subsequent modifications to non-dominant carrier regulations.

c. Access to the operator services of competing carriers shall not be blocked or intercepted; however, this requirement does not pertain to situations where the customers who have control of premises equipment are also the users and bill-payers of the services.

d. Access to the local exchange carriers' operators shall not be blocked or otherwise intercepted by traffic aggregators. Specifically, all "0 minus"³ calls shall be directed to the local exchange carriers' operators. In equal access areas, "0 plus"⁴ intraLATA calls shall not be intercepted or blocked. In

² Administrative Case No. 273, An Inquiry Into Inter- and IntraLATA Competition in Toll and Related Services Markets in Kentucky.

³ A "0 minus" or "0-" call occurs when an end-user dials zero without any following digits.

⁴ A "0 plus" or "0+" call occurs when an end-user dials zero and then dials the digits of the called telephone number.

non-equal access areas, APC is prohibited from blocking or intercepting "0 minus" calls; however, it is permissible to intercept "0 plus" calls.

e. Blocking and interception prohibition shall be included in APC's tariffs and contracts by stating that violators will be subject to immediate termination of service after 20 days notice to the owners of non-complying customer premises equipment.

f. APC shall provide tent cards and stickers to be placed near or on telephone equipment provided by its traffic aggregators. APC shall include provisions in tariffs and contracts that subject violators to termination of service.

g. APC's operators shall be required to identify APC, making reference to "American Public Communications, Inc." at least once during every call before any charges are incurred.

h. APC's operators shall provide an indication of its rates to any caller upon request.

i. APC shall not accept calling cards for billing purposes if it is unable to validate the card.

2. This authority to provide service is strictly limited to those services described in this Order, APC's application, and conditions described in this Order.

3. APC shall comply with the Commission decisions in Administrative Case Nos. 323⁵ and 328,⁶ now pending, that may apply to APC's Kentucky operations.

4. APC's proposed tariff filed on June 10, 1991 is hereby accepted, except for the omission of rates for holidays. Within 30 days from the date of this Order, APC shall file its tariff sheets in accordance with 807 KAR 5:011, and consistent with its proposed tariff filed on June 10, 1991 with the addition of rates for holidays.

Done at Frankfort, Kentucky, this 9th day of July, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director

⁵ Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

⁶ Administrative Case No. 328, Investigation Into Whether WATS Resellers Should be Included in the ULAS Allocation Process.