

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INQUIRY INTO THE PROVISION OF) ADMINISTRATIVE
ENHANCED SERVICES IN KENTUCKY) CASE NO. 338

O R D E R

On August 17, 1992, MCI Telecommunications Corporation ("MCI") filed a response, by letter, to the Commission's July 14, 1992 Order which required all telephone utilities currently providing enhanced services to file tariffs for those enhanced services or file a petition pursuant to KRS 278.512 and 278.514 requesting exemption from regulation. MCI states that it is not "currently providing enhanced services within the Commonwealth." However, MCI further qualifies this response by submitting that its services are not subject to the jurisdiction of the Commission because they are "predominantly" interstate.

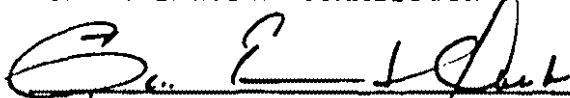
The Commission in its August 1, 1992 Order found, prima facie, that the provision of enhanced services is within the jurisdiction of KRS Chapter 278 adopting the Federal Communications Commission's definition of enhanced services in 4 CFR Section 64.702(a) to include "[s]ervices offered over common carrier transmission facilities . . . which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different or restructured information; or involve subscriber interaction with stored information."

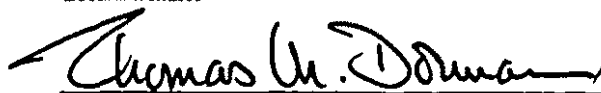
Contrary to MCI's response filed on September 3, 1991, (incorporated by reference in the August 17, 1992 response) this Commission has not been preempted from the regulation of intrastate enhanced services, or the intrastate portion of jurisdictionally mixed enhanced services, unless it is shown that the services cannot be jurisdictionally separated and that state regulation would thwart federal objectives.¹


IT IS THEREFORE ORDERED that MCI shall, if it offers intrastate enhanced telecommunications services, within 30 days of the date of this Order comply with the July 14, 1992 Order of the Commission which required all telecommunications utilities providing enhanced services in the Commonwealth to file a tariff or file a petition pursuant to KRS 278.512 and KRS 278.514 setting forth the reason why the service should be exempt from regulation or subject to alternative regulation.

Done at Frankfort, Kentucky, this 27th day of October, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

¹ Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier I Local Exchange Company Safeguards. Report and Order (BOC Safeguards Order). CC Docket No. 90-623, FCC 91-381, released December 20, 1991.