

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF COIN PHONE MANAGEMENT)
COMPANY FOR IMPLEMENTATION OF) CASE NO. 93-038
INTRASTATE DIAL-AROUND COMPENSATION)

O R D E R

On January 28, 1993, Coin Phone Management Company ("Coin Phone Management") petitioned the Commission to implement flat rate compensation to payphone providers for intrastate "dial-around" carrier access calls. The proposed compensation would be paid by interexchange carriers to independent payphone providers. Coin Phone Management requests that this Commission mirror actions taken by the Federal Communications Commission ("FCC").

AT&T Communications of the South Central States, Inc. ("AT&T"), MCI Telecommunications Corporation, and BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company are Intervenors in this case. Information requests were issued by the Commission on May 11, 1993 and by AT&T on July 9, 1993. Responses by Coin Phone Management were filed on June 24, 1993 and September 10, 1993.

On October 15, 1993, Coin Phone Management filed a motion to establish a procedural schedule and a hearing date. Included as Exhibit A to the motion is an information request to AT&T. On November 9, 1993, AT&T filed a motion to dismiss and a response to Coin Phone Management's motion to establish a procedural schedule.

AT&T's motion asserts that Coin Phone Management has failed to state a cause of action or a claim for relief. Specifically, AT&T contends that Coin Phone Management's petition is vague and ambiguous and insufficient to allow parties to formulate an adequate response. AT&T has articulated the following issues:

(1) Is there any basis for ordering intrastate dial-around compensation?

(2) Is Coin Phone requesting relief on its own behalf or for all independent public payphone providers?

(3) Who should pay the compensation?

(4) How should the compensation be allocated among the payees?

(5) How should the compensation be collected?

(6) What justification exists for awarding further compensation to independent public payphone providers in addition to that already ordered by the FCC?

(7) Would adopting the FCC compensation mechanism avoid wasteful duplication of effort in creating a state-specific compensation mechanism?

(8) Are the equity and public interest arguments recognized in the FCC decision applicable to Kentucky?

(9) Is the "maximum possible synchronization" of interstate and intrastate compensation appropriate?

The issues raised by AT&T in this motion have also been raised in Coin Phone Management's original petition and in the information requests issued in this proceeding. The Commission finds that

these issues are matters which should be addressed in the prefiled testimony and other filings of Coin Phone Management and the Intervenors. Accordingly, the motion to dismiss is denied.

In the alternative, AT&T requested that the Commission establish a procedural schedule requiring Coin Phone Management to file direct testimony and exhibits before other parties so that the other parties may adequately respond to issues raised by Coin Phone Management. The Commission will grant AT&T's relief to the extent contained herein.

The Commission, having considered Coin Phone Management's motion and AT&T's motion and being otherwise sufficiently advised, HEREBY ORDERS that:

1. AT&T's motion to dismiss this proceeding is denied.
2. AT&T's alternative motion to establish a procedural schedule is granted.
3. Coin Phone Management's motion is granted.
4. Within 30 days from the date of this Order, AT&T shall respond to the questions propounded by Coin Phone Management in its motion.
5. Within 60 days from the date of this Order, Coin Phone Management shall (1) identify all persons whom it expects to testify at the hearing and their qualifications; (2) prefile direct testimony of each witness; and (3) prefile all exhibits it expects to introduce at the hearing.
6. Within 90 days from the date of this Order, all other parties shall (1) identify all persons whom they expect to testify


at the hearing and their qualifications; (2) prefile direct testimony of each witness; and (3) prefile all exhibits they expect to introduce at the hearing.

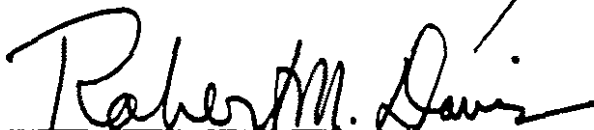
7. A hearing is scheduled on March 9, 1994, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.


8. Any request to reschedule the hearing is to be made in writing and filed at least two business days prior to the date of the scheduled hearing.

Done at Frankfort, Kentucky, this 23rd day of November, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director