

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELEDIAL AMERICA,)
INC. FOR A CERTIFICATE OF CONVENIENCE)
AND NECESSITY TO PROVIDE INTEREXCHANGE) CASE NO. 93-094
TELECOMMUNICATIONS SERVICES AS A)
FACILITIES BASED NONDOMINANT CARRIER)

O R D E R

IT IS ORDERED that Teledial America, Inc. ("Teledial") shall file the original and 10 copies of the following information with the Commission. The information requested shall be placed in a bound volume with each item tabbed.

The information requested herein is due no later than 30 days from the date of this Order. If the information cannot be provided by this date, Teledial shall submit a motion for an extension of time stating the reasons a delay is necessary and include a date by which the information can be furnished. Such motion will be considered by the Commission.

1. Has Teledial or any affiliate ever provided, and/or collected any money from the public for the provision of, intrastate telecommunications services in the Commonwealth of Kentucky? If so, explain in detail.

2. Identify the carriers whose services Teledial intends to resell, if any.

3. Does Teledial, or any affiliate, own and/or operate any coin-operated telephones in the Commonwealth of Kentucky or any other jurisdiction? If so, explain in detail.

4. Identify the operator-assisted services provider that Teledial intends to subcontract for operator-assisted services.

5. Provide a copy of all current contracts entered into with any business, institution, and/or corporation for the provision of operator-assisted services.

6. Describe how calls will be transported from the customer's premises to the operator service centers. Include identification of Teledial's switching and operator service locations and specify the facilities and/or services used to bridge operators onto a call placed over the network.

7. Provide a description of how such calls are transported to final termination points, specifying the facilities and/or services used to terminate calls.

8. If switching locations and/or points-of-presence are located outside the Commonwealth of Kentucky, explain how Teledial will ensure that intrastate access charges will be paid.

9. Is Teledial able to comply with each of the conditions of service for the provision of operator-assisted services adopted from the Commission's Orders in Administrative Case No. 330,¹ Orders dated March 27 and May 3, 1991, and summarized in Appendix A?

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

10. State whether Teledial is aware of, and able to comply with, the provisions of the Commission's Orders in Administrative Case No. 323² and how it will apply to its Kentucky operations.

11. Provide a toll-free number or provision for accepting collect calls for customer complaints.

12. Provide an estimate of sales revenues for Teledial's first 2 years of Kentucky operations. Explain how Teledial arrived at these estimates. If estimates are based upon a market study, provide a copy of this study.

13. Provide revised tariff sheets for the following items:

a. Your tariff must comply with 807 KAR 5:011, Section 5.

b. Your tariff must have a cover page that complies with 807 KAR 5:001, Section 3(4).

c. 807 KAR 5:006, Section 3, requires each utility to include its billing format or the contents of such a form in its tariff on file with the Commission.

d. Insert Heading 2.2.5 on your tariff stating therein that the utility will comply with all the provisions of 807 KAR 5:006, Section 14, for refusal or termination of service.

e. Insert Heading 2.3.3 on your tariff and include in it this language:

Acceptance by the Commission of the liability provisions contained in this tariff does not constitute its determination that the limitation of liability imposed by

² 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.

the company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

f. Referring to Original Sheet 14 of your proposed tariff, clarify which of Bell's NECA Tariffs you are referring to.

g. Referring to Original Sheets 15 and 16 of your tariff, identify the amount of your recurring monthly service charges.

Done at Frankfort, Kentucky, this 20th day of April, 1993.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 93-094 DATED APRIL 20, 1993

Conditions of Service for the Provision of Operator
Services Adopted from Commission Orders in
Administrative Case No. 330, Orders Dated March 27,
1991 and May 3, 1991.

Teledial America, Inc. shall revise its tariff to conform to the policies and procedures for the provision of operator-assisted telecommunications services by non-local exchange carriers, which are as follows:

(a) Operator-assisted services shall be subject to rate regulation and rates shall not exceed AT&T's maximum approved rates. "Maximum approved rates" is defined to mean the rates approved by this Commission in AT&T's most recent rate proceeding for measured toll service applicable to operator-assisted calls, as well as the additional charges for operator assistance. Carriers are not permitted to include any other surcharges or to bill for uncompleted calls. Time-of-day discounts shall also be applicable. Carriers are 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, carriers shall file tariffs if necessary to comply with the requirements herein within 30 days of the effective date of AT&T's rate change.

(b) Except as otherwise indicated in this Order, non-dominant carriers shall be subject to regulation as delineated in the May 25, 1984 Order in Administrative Case No. 273 as well as any subsequent modifications to non-dominant carrier regulations. In the event of conflict, the terms of the instant Order shall take precedence, unless a carrier is specifically relieved from compliance with any conditions contained herein. AT&T shall remain subject to regulatory oversight as a dominant carrier.

(c) Operator service providers that provide service to traffic aggregators shall not allow access to the operator services of competing carriers to be blocked or intercepted. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(d) Access to the local exchange carriers' operators shall not be blocked or otherwise intercepted by traffic aggregators. Specifically, all "0-" calls, that is, when an end-user dials zero without any following digits, shall be directed to the local exchange carrier operators. In equal access areas, "0+" intraLATA calls, that is, when an end-user dials zero and then dials the digits of the called telephone number, shall not be intercepted or blocked. In non-equal access areas, it is prohibited to block or intercept "0-" calls; however, it is permissible to intercept "0+" calls. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state

that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(e) Carriers shall not be required to provide access codes of competitors. Each carrier should advise its own customers as to the appropriate 10XXX access code.

(f) Carriers shall provide tent cards and stickers to traffic aggregators to be placed near or on telephone equipment used to access their services and shall include provisions in tariffs and contracts entered into with any traffic aggregator that subject violators to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(g) Operators shall identify the carrier at least once during every call before any charges are incurred.

(h) Operators shall provide an indication of the carrier's rates to any caller upon request.

(i) Carriers shall not accept calling cards for billing purposes if they are unable to validate the card.