

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CAPITAL NETWORK)	
SYSTEM, INC. FOR A CERTIFICATE TO)	CASE NO. 93-298
RESELL TELECOMMUNICATIONS SERVICE)	

O R D E R

IT IS ORDERED that Capital Network System, Inc. ("Capital Network") shall file the original and ten 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, Capital Network shall submit a motion for an extension of time stating the reason a delay is necessary and include a date by which the information can be furnished. Such motion will be considered by the Commission.

1. Capital Network shall state that it will provide operator-assisted services pursuant to the conditions and restrictions of service ordered in Administrative Case No. 330¹ as summarized in Appendix A to this Order.

2. If Capital Network uses its own operator center, is Capital Network aware of and able to comply with the provisions of 807 KAR 5:061, Section 22(1)?

¹ Administrative Case No. 330, Policy and Procedures in the Provision of Operator-Assisted Telecommunications Services, Orders Dated March 27 and May 3, 1991.

3. 807 KAR 5:006, Section 6(3), requires each utility to include its billing format or the contents of such a form in its tariff on file with the Commission. Provide such a format in your tariff.

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

5. For the following items, refer to Capital Network's proposed tariff filed on August 20, 1993:

a. Refer to Original Sheet 9, Heading 2.2, Applicability of Tariff, Subheadings (A) and (B).

(1) Is Capital Network aware of and willing to comply with the provisions of Administrative Case No. 338?²

(2) Capital Network shall file any special contracts in accordance with 807 KAR 5:011, Section 13, with 30 days notice to the Commission.

b. Refer to Original Sheet 10, Heading 2.3.1, Payment Arrangements. Refer to the first paragraph, last sentence. Remove the clause at the end the sentence after the word "arrangement."

c. Refer to Original Sheet 12, Heading 2.4.1, Interruption of Service. Provide any arithmetical formula used in determining the credit allowance for interrupted service.

d. Refer to Original Sheet 14, Heading 2.4.3, Liability. Insert a new Subheading 2.4.3(E) which includes the following language:

² Administrative Case No. 338, Inquiry into the Provision of Enhanced Services in Kentucky.

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

e. Refer to Original Sheet 15, Heading 2.6, Cancellation by Customer. Substitute the following language under this heading:

Any customer desiring service terminated or changed, shall give the utility three working days notice in person, in writing, or by telephone, provided such notice does not violate contractual obligations or tariff provisions.

f. Refer to Original Sheet 15, Heading 2.7, Refusal or Discontinuance by Company. Insert the word "written" before "notice" in line 3.

g. Refer to Original Sheet 18, Heading 2.11, Tests, Pilots, Promotional Campaigns and Contests. State completely what processing and installation fees are involved in concessionary programs.

h. Refer to Original Sheet 18, Heading 2.12, Responsibility of Subscribers. Insert a new item (e) which includes the following language:

ensuring in non-equal access areas that "0-" calls are not intercepted or blocked.

Done at Frankfort, Kentucky, this 1st day of October, 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. 93-298 DATED OCTOBER 1, 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.

(1) 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 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.

(2) 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.

(3) 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.

(4) Traffic aggregator is defined to mean any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for intrastate telephone calls using a provider of operator services. Aggregators include hotels and motels, hospitals, universities, airports, gas stations, and non-local exchange carrier pay telephone owners. This definition includes the provision of all non-local exchange carrier pay telephones even if no compensation is paid to the owner of the pay telephone. The residential use of operator services is specifically excluded from this definition.

(5) 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.

(6) 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.

(7) 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.

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

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

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