

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CONNECT AMERICA)
COMMUNICATIONS, INC. FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE) CASE NO.
AS AN OPERATOR SERVICE PROVIDER WITHIN THE) 94-041
STATE OF KENTUCKY)

O R D E R

IT IS ORDERED that Connect America Communications, Inc. ("Connect America") 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.

1. Has Connect America or any of its affiliates ever provided, or collected any money from the public for providing intrastate telecommunications services or operator services in Kentucky?

2. Is Connect America aware of the provisions of Administrative Case No. 330,¹ as summarized in Appendix A, and aware of its obligation to comply with the provisions therein?

3. Provide a copy of Connect America's Certificate of Authority to do business in the state of Kentucky.

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

4. If Connect America intends to resell tariffed services of facilities-based carriers, identify these tariffed services and specify whether services will be obtained from intrastate or interstate tariffs.

5. If Connect America intends to resell services that are not available under an approved tariff, provide copies of the contracts which govern the terms of the agreement between Connect America and its facilities-based carriers.

6. The rates filed on Original Sheet 22 for per minute charges are not in compliance with Administrative Case No. 330. The per minute of use rates exceed those of AT&T.

7. Insert this new language into your tariff at the end of Heading 2.4:

Acceptance of the liability provisions contained in this tariff by the Commission 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 thereof, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

Done at Frankfort, Kentucky, this 11th day of March, 1994.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 94-041 DATED March 11, 1994.

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" are 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.

(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.