

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LISA GAIL GAMBLE, DAWN ELIZABETH)	
HOWARD, TERESA DARCEL COPE, AND)	
LINDA SUE MEDLEY)	
)	
COMPLAINANTS)	CASE NO. 95-168
)	
vs.)	
)	
WEST KENTUCKY RURAL TELEPHONE)	
COOPERATIVE CORPORATION, INC.)	
)	
DEFENDANT)	

O R D E R

On April 11, 1995, Lisa Gail Gamble, Dawn Elizabeth Howard, Teresa Darcel Cope, and Linda Sue Medley ("the Complainants") filed a complaint against West Kentucky Rural Telephone Cooperative Corporation, Inc. ("West Kentucky"). The Complainants allege that West Kentucky charges a \$16 PIC¹ charge for changing a subscriber's long-distance carrier. The Complainants seek a PIC charge reduction to \$5 or less in compliance with the Commission's Order in Administrative Case No. 323.²

West Kentucky filed its response on April 26, 1995. West Kentucky asserted that the \$16 PIC charge was not applicable on the

¹ PIC is an acronym for Primary or Preferred Interexchange Carrier.

² Administrative Case No. 323, Phase I, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme For Completion of IntraLATA Calls by Interexchange Carriers, and Wats Jurisdictionally, Order dated December 29, 1995 at 28 and 32.

date the Complainants filed their complaint. West Kentucky stated that the PIC charge was changed April 1, 1995 as required by the Commission's December 29, 1994 Order in Administrative Case No. 323.

In its December 29, 1994 Order, the Commission noted that some members of the Independent Telephone Company ("ITG")³ were adding service order charges to their authorized PIC charge. The Commission ordered the ITG members, of which West Kentucky is a member, to cease assessing the service order charges because they were duplicative of the costs the PIC charge was to recover.

On July 21, 1995, West Kentucky, in response to a Commission data request, showed the \$16 PIC charge was comprised of a service order charge of \$3.50, a switch charge of \$7.50, and the actual tariffed "PIC" charge of \$5.00. The \$3.50 service order charge and the \$7.50 switch charge were also tariffed charges but not identified as elements in the access services tariff or part of the West Kentucky tariff designed to include charges specific to customer changes in long-distance providers.

³ Ballard Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company, Inc.; Duo County Telephone Cooperative Corporation, Inc. ("Duo County Telephone"); Foothills Rural Telephone Cooperative Corporation, Inc.; Harold Telephone Company, Inc.; Highland Telephone cooperative, Inc.; Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation; North Central Telephone Cooperative, Inc.; Peoples Rural telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; Thacker-Grigsby Telephone Company, Inc.; and West Kentucky Rural Telephone Cooperative Corporation, Inc.

Prior to its December 29, 1994 Order in Administrative Case No. 323, local exchange carriers were not specifically prohibited from charging service order and switch fees at the time a PIC charge was made. Thus, given the dates of the complaints, West Kentucky was not in violation of a Commission Order. Therefore, the Commission finds that the complaint should be dismissed.

However, the Commission further finds that West Kentucky's current practice of charging fees other than the PIC charge of \$5 for a customer change in long-distance carrier is in violation of the Commission's Order in Administrative Case No. 323 and shall cease immediately. Neither the interstate access services tariff nor the intrastate access service tariff of Duo County Rural Telephone Cooperative Corporation to which West Kentucky concurs, provides for charges other than the PIC charge. Therefore, the maximum charge for a customer change in long-distance carrier is \$5.00 for those concurring in Duo County's tariffs.

Moreover, the Commission reiterates that its Order of December 29, 1994 provided that when a customer changes both interLATA and intraLATA carriers simultaneously, only one \$5 charge is applicable.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. The complaint is hereby dismissed.
2. The maximum PIC charge shall be \$5.
3. West Kentucky and other LECs shall charge only for PIC changes as authorized in their approved interstate access services

tariff or their intrastate access services tariff, but in no case shall the PIC charge exceed \$5.

4. The charge for an intraLATA PIC shall not exceed the charge for interLATA PIC.

5. When interLATA and intraLATA PIC changes occur simultaneously, only one PIC charge shall be applicable.

6. When intraLATA and interLATA PIC changes occur independently (i.e., not in the same transaction), the applicable intrastate PIC charge or interstate PIC charge may be charged.

7. When a LEC's PIC charge is less than \$5, the rules as described herein shall apply.

8. A copy of this Order shall be served on all local exchange carriers.

Done at Frankfort, Kentucky, this 27th day of November, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director