

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF VOYAGER NETWORKS, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
TO OPERATE AS A RESELLER OF TELECOMMUNICATION)	95-382
SERVICES WITHIN THE COMMONWEALTH OF KENTUCKY)	

O R D E R

On August 30, 1995, Voyager Networks, Inc. ("Voyager") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to provide intrastate, long-distance telecommunications services as a reseller within the Commonwealth of Kentucky.

Voyager is a Delaware corporation proposing to resell the services of carriers currently certified within the Commonwealth of Kentucky in accordance with the terms and conditions set forth in its tariff. Voyager does not seek authority to provide operator-assisted telecommunications services.

Voyager employs no intrastate transmission or reception telecommunications equipment or facilities in the performance of its services, and all intrastate facilities, equipment, and networking will be provided by the underlying carrier. Voyager will not construct any new facilities in the Commonwealth of Kentucky.

In its application, at pp. 5 and 6, Voyager states that it has inadvertently received compensation for providing intrastate telecommunications services in Kentucky incidental to its provision

of interstate services. Consequently, it appears that Voyager has violated KRS 278.020 and KRS 278.160 in that it failed to receive Commission approval to operate or to file its schedule of rates and conditions of service prior to collecting compensation for such service.

Voyager has offered terms pursuant to which it hopes to reach full settlement with the Commission regarding any and all actions that could be brought against Voyager for its apparent violations of the statutes. Specifically, Voyager states that, when it discovered that it was providing intrastate service in July 1995, it immediately ceased billing and collecting for that service. Although Voyager has continued to provide intrastate service to its customers, it states it will not collect compensation for such service unless and until it has been authorized to do so by the Commission [Application, at p. 5]. In addition, Voyager proposes to provide refunds or credits to its customers for all charges billed for intrastate service prior to Voyager's having received authorization to operate [Proposed Settlement Agreement, Exhibit H to Application].

Voyager has provided the Commission with a list of its Kentucky intrastate customers, together with the amounts billed for intrastate service [Confidential Exhibit F to Application].

The Commission finds that the terms proposed, together with the payment of a \$100 penalty tendered by Voyager on October 4, 1995, are reasonable terms of settlement and constitute an expeditious and cost-effective manner of resolving this matter.

The information provided by Voyager demonstrates its financial, managerial, and technical capability to provide intrastate, long-distance telecommunications service. The proposed rates filed August 30, 1995 should be approved as the fair, just and reasonable rates to be charged.

In Administrative Case No. 306,¹ the Commission stated the importance of eliminating possible customer confusion arising from the name of the billing service, rather than the name of the provider of telecommunications services, appearing on the bill. Accordingly, Voyager should ensure that its name appears prominently on all bills issued to customers for services rendered by it.

The Commission, having considered the application, the information provided by Voyager, and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Voyager be and it hereby is granted authority to provide intrastate, long-distance telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.

2. Voyager shall comply with the provisions of the Orders in Administrative Case No. 323.²

3. The terms offered by Voyager, as described in this Order, are hereby accepted by the Commission in full settlement of any and

¹ Administrative Case No. 306, Detariffing Billing and Collection Services, Order dated April 30, 1990.

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.

all actions it could bring against Voyager, for its having collected compensation for providing the unauthorized telecommunications services described in this Order.

4. Voyager shall within 6 months of the date of this Order refund to its customers all amounts collected by it as compensation for intrastate telecommunications services within Kentucky.

5. Within 30 days of the date Voyager completes its refunding process, it shall provide the Commission with a list of names, addresses, amounts paid, and method of payment for customers receiving refunds.

6. Voyager shall ensure that its name appears prominently on all bills issued to customers for services rendered by it.

7. Voyager's authority to provide service in this Commonwealth is strictly limited to those services described in this Order and in Voyager's application.

8. The rates and charges proposed by Voyager are hereby approved as filed on August 30, 1995.

9. Within 30 days from the date of this Order, Voyager shall file its tariff sheets in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 19th day of October, 1995.

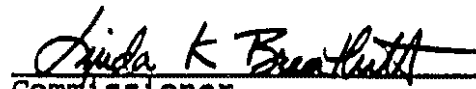
ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner