

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF PNG TELECOMMUNICATIONS, INC. )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO.  
NECESSITY TO PROVIDE INTRASTATE, INTEREXCHANGE ) 96-086  
TELECOMMUNICATIONS SERVICE IN THE )  
COMMONWEALTH OF KENTUCKY )

O R D E R

On March 11, 1996, PNG Telecommunications, Inc. ("PNG Telecommunications") 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.

PNG Telecommunications is an Ohio 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. PNG Telecommunications does not seek authority to provide operator-assisted telecommunications services.

PNG Telecommunications 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. PNG Telecommunications will not construct any new facilities in the Commonwealth of Kentucky.

In PNG Telecommunications' May 23, 1996 response to the Commission's April 18, 1996 Order, it informed the Commission that money had been collected for non-certified

service. Consequently, it appears that PNG Telecommunications has violated KRS 278.160 in that it failed to file its schedule of rates and conditions of service before collecting compensation for such services. Subsequently, by letter dated June 11, 1996, PNG Telecommunications offered terms pursuant to which it hopes to reach full settlement with the Commission regarding any and all actions that could be brought against it for its violation of the statute. Specifically, PNG Telecommunications states that it will pay a penalty of \$100 for conducting business in Kentucky prior to having been authorized to do so; refrain from charging its customers for intrastate service until it is authorized by the Commission to do so; and refund all amounts inappropriately collected to its customers. PNG Telecommunications tendered a check in the amount of \$100, payable to the Kentucky State Treasurer, with its June 11, 1996 letter.

The Commission finds that the terms proposed constitute a reasonable, expeditious, and cost-effective manner of resolving this matter.

The information provided by PNG Telecommunications demonstrates its financial, managerial, and technical capability to provide intrastate, long-distance telecommunications service. The proposed rates filed March 11, 1996, and modified May 23, 1996, should be approved as the fair, just and reasonable rates to be charged.

In Administrative Case No. 306,<sup>1</sup> 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, PNG Telecommunications should ensure that its name appears prominently on all bills issued to customers for services rendered by it.

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

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

1. PNG Telecommunications 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. PNG Telecommunications shall comply with the provisions of the Orders in Administrative Case No. 323.<sup>2</sup>

3. PNG Telecommunications shall ensure that its name appears prominently on all bills issued to customers for services rendered by it.

4. PNG Telecommunications' authority to provide service in this Commonwealth is strictly limited to those services described in this Order and in PNG Telecommunications' application.

5. The rates and charges proposed by PNG Telecommunications are hereby approved as filed on March 11, 1996 and modified May 23, 1996.

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

7. The terms offered by PNG Telecommunications, as described in this Order, are hereby accepted by the Commission in full settlement of any and all actions it could bring against PNG Telecommunications for its having collected compensation for providing the unauthorized telecommunications services described in this Order.

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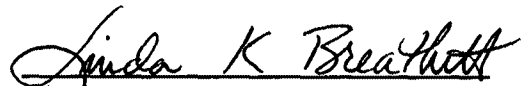
<sup>2</sup> Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.


8. PNG Telecommunications shall within 6 months of the date of this Order refund or credit to its customers all amounts collected by it as compensation for unauthorized telecommunications services within Kentucky.


9. Within 30 days of the date PNG Telecommunications completes its refunding or crediting process, it shall file with the Commission a list of names, addresses, amounts paid, and method of payment for customers receiving refunds.

Done at Frankfort, Kentucky, this 12th day of July, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director