

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE OF CERTAIN)	
NON-DOMINANT TELECOMMUNICATIONS)	CASE NO.
PROVIDERS TO FILE REPORTS OF GROSS)	2002-00125
OPERATING REVENUES OR TO PAY)	
ASSESSMENTS PURSUANT TO KRS 278.140)	

O R D E R

By this Order, the Commission serves notice upon the non-dominant telecommunications providers whose names appear on an appendix attached hereto and who have filed tariffs to provide service in Kentucky, that they shall, within 30 days of the date of this Order, show cause why they should not be subject to penalties pursuant to KRS 278.990 for failure to comply with KRS 278.130 through KRS 278.150. In the absence of such showing, their authorization to provide service in this Commonwealth shall be revoked, their tariffs removed from the Commission's files, and their names stricken from the Commission's list of active utilities without further Order.

KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year. Based upon these reports, the Commission certifies to the Revenue Cabinet and the Finance and Administration Cabinet the intrastate revenue so collected. KRS 278.150. The Revenue Cabinet then, for the purpose of maintaining the Commission, assesses each utility in proportion to its receipts for intrastate business for the preceding calendar year. KRS 278.130. The assessment is to be paid by July 31. KRS 278.150(2). The minimum to be paid by each utility is \$50. KRS 278.130(1). KRS

278.990(3) provides for penalties for failure to pay an assessment pursuant to the foregoing statutes.

It is not clear that the carriers listed in the appendix to this Order are actively providing service in this Commonwealth. Nevertheless, they remain obligated to submit their reports of gross earnings and to pay their assessments for the periods shown. Accordingly, they are subject to the penalties enumerated in KRS 278.990(3). However, it appears that pursuit of the assessments and penalties provided for by KRS Chapter 278 would consume more of the Commission's limited resources than would be warranted.¹

Telecommunications is increasingly competitive, and regulatory oversight over such carriers is minimal. Pursuant to KRS 278.512, this Commission no longer issues a certificate for initial operations of non-dominant telecommunications carriers.² Each such carrier simply files a tariff with the Commission, supplies necessary information regarding its corporate structure, and provides the name and address of its contact person for regulatory purposes.³ Few such carriers maintain an office in Kentucky.

¹ On the assumption that the carriers listed in the appendix are not actively providing service in this state, for the purposes of this Order, the carriers' assessments for each delinquent period are estimated to be \$50, the minimum amount allowed by law.

² See Administrative Case No. 359, Exemptions for Interexchange Carriers, Long-Distance Resellers, Operator Service Providers and Customer-Owned, Coin-Operated Telephones (Order dated June 21, 1966); Administrative Case No. 370, Exemptions for Providers of Local Exchange Service Other Than Incumbent Local Exchange Carriers (Order dated January 8, 1998).

³ Id.

Nevertheless, as utilities with tariffs in this state, the carriers are responsible for complying with applicable statutory and regulatory requirements, including KRS 278.130, KRS 278.140, and KRS 278.150.

Based on the foregoing, the Commission concludes that the public interest would be best served by sending this Order, by registered mail, to the regulatory contact person submitted pursuant to 807 KAR 5:003 by each of the utilities listed in the appendix, putting each such utility on notice that it shall show cause to this Commission within 30 days of the date of this Order why it should not be subject to the penalties prescribed in KRS 278.990 for failure to comply with the statutes cited herein. The tariff of any utility failing to respond to this Order shall be removed from the Commission's files and its name stricken from the Commission's list of active utilities. A utility choosing not to respond to this Order shall immediately notify any customers it currently serves that the utility no longer provides service in Kentucky and that the customer must obtain service from another carrier.


Should any utility whose tariff is stricken under the terms of this Order later wish to file a tariff to provide service in this Commonwealth, it shall file a report of its gross operating revenues for each delinquent period shown in the appendix, and the assessments and penalties for its failure to comply with KRS 278.130, KRS 278.140, and KRS 278.150, together with accrued interest at the statutory rate of 6 percent, shall be payable prior to the institution of service.

IT IS SO ORDERED.

Done at Frankfort, Kentucky, this 21st day of May, 2002.

By the Commission

ATTEST:


Deputy Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE
KENTUCKY PUBLIC SERVICE COMMISSION

IN CASE NO. 2002-00125

DATED May 21, 2002.

Non-Dominant Telecom Utilities with Delinquent Assessments as of 1/31/2002

Utility Name	Statement #	ID Number	Period Start	Period End	Assessment
360Networks (USA) Inc.	101933096	22250507	7/1/01	6/30/02	\$50.00
360Networks Kentucky Inc.	101933099	22250589	7/1/01	6/30/02	\$50.00
ACC National LD dba ACC Telecom Inc.	101294308	05128800	7/1/99	6/30/00	\$50.00
ACC National LD dba ACC Telecom Inc.	101559331	05128800	7/1/00	6/30/01	\$50.00
ACC National LD dba ACC Telecom Inc.	101933103	05128800	7/1/01	6/30/02	\$50.00
Actel Integrated	101933173	05153900	7/1/01	6/30/02	\$50.00
Aero Communications	101934607	05052000	7/1/01	6/30/02	\$50.00
Alliance Network Inc	101559409	05147100	7/1/00	6/30/01	\$50.00
Alliance Network Inc	101933198	05147100	7/1/01	6/30/02	\$50.00
America Net Inc.	101559417	05145700	7/1/00	6/30/01	\$50.00
America One Communications Inc	101933209	05144000	7/1/01	6/30/02	\$50.00
American Cyber Corporation	101559424	05111400	7/1/00	6/30/01	\$50.00
American Long Lines Inc.	101559426	05127500	7/1/00	6/30/01	\$50.00
American Nortel Communications	101559428	05138500	7/1/00	6/30/01	\$50.00
American Telesource Intl Inc	101933234	05111100	7/1/01	6/30/02	\$50.00
Atlas Communications LTD	101933250	05115300	7/1/01	6/30/02	\$50.00
BCGI Communications Corp	101933255	05150300	7/1/01	6/30/02	\$50.00
Big Planet Inc	101933267	05139300	7/1/01	6/30/02	\$50.00
Blue Shift Telecom Inc	101933287	05117300	7/1/01	6/30/02	\$50.00
Bluestar Communications Inc	101934666	05020700	7/1/01	6/30/02	\$50.00
Cash Back Rebates LD.com Inc	101933363	05121300	7/1/01	6/30/02	\$50.00
Cat Communications	101934682	05050590	7/1/01	6/30/02	\$50.00
CCCKY Inc dba Connect	101934685	05050090	7/1/01	6/30/02	\$50.00
Chapel Services Inc	101934711	05050300	7/1/01	6/30/02	\$50.00
Clear Call Telecom LLC	101933417	05156100	7/1/01	6/30/02	\$50.00
Columbia Telecommunications	101565144	05146600	7/1/00	6/30/01	\$50.00
Columbia Telecommunications	101933428	05146600	7/1/01	6/30/02	\$50.00
Columbus Catalog Sales	101558564	05019100	7/1/00	6/30/01	\$50.00
Columbus Catalog Sales	101934718	05019100	7/1/01	6/30/02	\$50.00

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Utility Name	Statement #	ID Number	Period Start	Period End	Assessment
ComTech 21 LLC	101933433	05154600	7/1/01	6/30/02	\$50.00
Connect! LD Inc	101933483	05149300	7/1/01	6/30/02	\$50.00
Consolidated Billing Provider	101294495	05141800	7/1/99	6/30/00	\$50.00
Corporate Services Telecom Inc.	101565193	05123000	7/1/00	6/30/01	\$50.00
Corporate Services Telecom Inc.	101933501	05123000	7/1/01	6/30/02	\$50.00
Delta Phones Inc.	101933517	22205237	7/1/01	6/30/02	\$50.00
Dial-Thru, Inc fka RDST, Inc.	101934843	05146400	7/1/01	6/30/02	\$50.00
Direct Communications Corp	101933533	05152800	7/1/01	6/30/02	\$50.00
DV2 Inc	101934768	05052350	7/1/01	6/30/02	\$50.00
e-Tel LLC	101935172	22205252	7/1/01	6/30/02	\$50.00
Erbia Network Inc	101935177	05145500	7/1/01	6/30/02	\$50.00
ezTel Network Services LLC	101935178	05150500	7/1/01	6/30/02	\$50.00
Go Solo Technologies Inc	101933745	05155500	7/1/01	6/30/02	\$50.00
GST Net Inc	101933707	05130300	7/1/01	6/30/02	\$50.00
Health Liability Management	101933760	05118100	7/1/01	6/30/02	\$50.00
Idealial Corporation Inc.	101565359	05112800	7/1/00	6/30/01	\$50.00
Idealial Corporation Inc.	101933805	05112800	7/1/01	6/30/02	\$50.00
IDS Telecom LLC	101933788	22205209	7/1/01	6/30/02	\$50.00
Incomnet Communication Corp	101294642	05110100	7/1/99	6/30/00	\$50.00
Intelcom Inc	101933812	05146100	7/1/01	6/30/02	\$50.00
International Exchange	101933832	05144300	7/1/01	6/30/02	\$50.00
IPVoice Communications Inc	101933797	05154500	7/1/01	6/30/02	\$50.00
Jilapuhm Inc	101934636	05050390	7/1/01	6/30/02	\$50.00
JirehCom Inc	101933841	05152500	7/1/01	6/30/02	\$50.00
LD Exchange.com Inc	101933903	05153500	7/1/01	6/30/02	\$50.00
Legends Communications Inc.	101565427	05144100	7/1/00	6/30/01	\$50.00
Legends Communications Inc.	101933921	05144100	7/1/01	6/30/02	\$50.00
Local Business Billing Inc.	101565447	05148800	7/1/00	6/30/01	\$50.00
Local Business Billing Inc.	101933928	05148800	7/1/01	6/30/02	\$50.00

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Utility Name	Statement #	ID Number	Period Start	Period End	Assessment
Logix Communications Corp	101933957	05140200	7/1/01	6/30/02	\$50.00
Long Distance America Inc.	101933963	05142300	7/1/01	6/30/02	\$50.00
Long Distance of Michigan Inc	101933978	05131600	7/1/01	6/30/02	\$50.00
Long Distance Services Inc.	101565459	05108000	7/1/00	6/30/01	\$50.00
Long Distance Services Inc.	101933967	05108000	7/1/01	6/30/02	\$50.00
Nuslar Telephone Company	101558656	05003300	7/1/00	6/30/01	\$50.00
O1 Communications of KY LLC	101934949	05051060	7/1/01	6/30/02	\$50.00
Paramount Int'l	101934783	05150000	7/1/01	6/30/02	\$50.00
Pilgrim Telephone Inc.	101297062	05300400	7/1/99	6/30/00	\$50.00
QAI Incorporated	101934834	05114500	7/1/01	6/30/02	\$50.00
Rocky Mountain Broadband/CNS	101567038	05137500	7/1/00	6/30/01	\$50.00
Rocky Mountain Broadband/CNS	101934848	05137500	7/1/01	6/30/02	\$50.00
Satlink 3000 Inc.	101567050	05142600	7/1/00	6/30/01	\$50.00
Satlink 3000 Inc.	101934866	05142600	7/1/01	6/30/02	\$50.00
ServiSense.com Inc	101934998	05051850	7/1/01	6/30/02	\$50.00
Special Accounts Billing Group	101567060	05142000	7/1/00	6/30/01	\$50.00
Special Accounts Billing Group	101567060	05142000	7/1/01	6/30/02	\$50.00
ST Long Distance Inc	101934860	05137800	7/1/01	6/30/02	\$50.00
TCG Ohio	101935025	05200800	7/1/01	6/30/02	\$50.00
Telecom Resources Inc	101935008	05138000	7/1/01	6/30/02	\$50.00
Telera Communications Inc.	101935020	22205210	7/1/01	6/30/02	\$50.00
Teligent Inc.	101295243	05135600	7/1/99	6/30/00	\$50.00
Teligent Inc.	101935024	05135600	7/1/01	6/30/02	\$50.00
The Free Network LLC	101935035	05144200	7/1/01	6/30/02	\$50.00
TotalAccess.com Inc	101935062	05150900	7/1/01	6/30/02	\$50.00
Translar Communications LC	101558733	05018600	7/1/00	6/30/01	\$50.00
Translar Communications LC	101935054	05018600	7/1/01	6/30/02	\$50.00
Twister Communications Network	101568709	05141400	7/1/00	6/30/01	\$50.00
Twister Communications Network	101935075	05147400	7/1/01	6/30/02	\$50.00

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Utility Name	Statement #	ID Number	Period Start	Period End	Assessment
US South Communications Inc	101935089	05123600	7/1/01	6/30/02	\$50.00
Voice Telephone Company	100634279	05119700	7/1/97	6/30/98	\$50.00
Voice Telephone Company	100984556	05119700	7/1/98	6/30/99	\$50.00
Voice Telephone Company	101296376	05119700	7/1/99	6/30/00	\$50.00
Voice Telephone Company	101568892	05119700	7/1/00	6/30/01	\$50.00
WorkNet Communications Inc	101935161	22205105	7/1/01	6/30/02	\$50.00
Worldxchange Communications Inc.	101294489	05122600	7/1/99	6/30/00	\$50.00

Total Delinquent \$4,700.00