

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE)	
OF CERTAIN NON-DOMINANT)	
TELECOMMUNICATIONS PROVIDERS)	
TO FILE REPORTS OF GROSS)	CASE NO. 2003-00370
OPERATING REVENUES OR TO)	
PAY ASSESSMENTS PURSUANT)	
TO KRS 278.140)	

O R D E R

The Commission hereby serves notice upon certain non-dominant telecommunications providers who have filed tariffs to provide service in Kentucky, whose names and last-known addresses appear on Appendix A hereto, that they shall, within 30 days of the date of this Order, show cause why their authority to operate in this Commonwealth shall not be revoked for failure to comply with KRS 278.130 through KRS 278.150. In the absence of such showing and without further Commission Order, their authorization to provide service in Kentucky 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.

The utilities listed in Appendix A to this Order have neither submitted their reports of gross earnings nor paid assessments. Accordingly, it appears that they are subject to the penalties enumerated in KRS 278.990(3). However, it is not clear that these carriers are actively providing service in this Commonwealth. Moreover, it appears that pursuit of the assessments and penalties provided by KRS Chapter 278 would consume more of the Commission's limited resources than would be warranted.

Telecommunications is increasingly competitive, and regulatory oversight of such carriers is minimal. Pursuant to KRS 278.512, this Commission no longer issues a certificate for initial operations of non-dominant telecommunications carriers.¹ Each 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.² Few carriers maintain an office in Kentucky and few are active in this state, despite their stated intent to do business here. Nevertheless, as utilities with tariffs in this state, the carriers are responsible for complying with statutory

¹ 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, 1996); Administrative Case No. 370, Exemptions for Providers of Local Exchange Service Other Than Incumbent Local Exchange Carriers (Order dated January 8, 1998).

² Id.

and regulatory requirements that continue to apply, including KRS 278.130, KRS 278.140, and KRS 238.150.

Based on the foregoing, the Commission concludes that the public interest would be served best by sending this Order, by certified mail, to the regulatory contact person submitted pursuant to 807 KAR 5:003 by each of the utilities listed in Appendix A, putting each such utility on notice that it shall show cause to this Commission within 30 days from 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. At that time any customer it currently serves shall be notified 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, 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 per annum, shall be payable prior to the institution of service.

IT IS SO ORDERED.

Done at Frankfort, Kentucky, this 8th day of October, 2003.

By the Commission

(See document named 200300370_10082003apx.pdf for appendix.)

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00370 DATED October 8, 2003

Non-Dominant Telecom Utilities That Have Not Filed Annual Reports/Revenue Reports

<i>Type</i>	<i>Name</i>	<i>ID Number</i>
505	AEP Communications, LLC	5201200
505	All-Communications	5052730
510	All-Star Acquisition Corporation	5165400
510	Alternate Communications Technology, Inc.	13006
510	America Net, Inc.	5145700
510	Blackstone Communications Company c/o Catlin Saxon Tuttle Evans, et al	5146000
510	CEO Telecommunications, Inc.	5116300
510	Choice One Communications of Ohio, Inc.	5152100
510	Comtel Network, LLC	5156500
510	Convergent Communications Services, Inc.	5146900
510	Corporate Services Telcom, Inc.	5123000
510	EqualNet Corporation	5107900
510	ESS.COM, L.L.C.	5154400
510	Everest Broadband Networks of Kentucky, Inc.	22205243
505	IG2, Inc.	5011200
510	Intelecall Communications, Inc.	5165100
510	Intelligent Switching & Software, LLC	5161600
505	Jilapuhn, Inc. dba VI-Telco	5050390
510	Keen LD, Inc.	5159900
510	LD Exchange.com, Inc. c/o TCS	5153500
505	Louisville Telephone Company, LLC	5053300
400	Maritel, Inc.	4000700
505	Maxcess, Inc.	22251517
510	MGEN Services Corp.	5164500
505	Momentum Business Solutions, Inc.	5051780
510	Power-Finder West Communications, LL	5161000
510	Shared Communications Services, Inc.	5131300
510	Southern Communications, LLC	5160400
510	St. Andrews Telecommunications, Inc.	5148300
510	Telliss, LLC	5163000
510	TON Services, Inc.	5148100
510	TransNet Connect, Inc.	5148200
400	Tri-Star Communications, Inc. dba Mayfield Answering Service	4000900
510	U.S. Bell	5157500
510	United Services Telephone, LLC	5132100
510	Zenex Long Distance, Inc.	5122200

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