

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ACCXX COMMUNICATIONS, LLC)	
_____)	CASE NO.
ALLEGED VIOLATIONS OF KRS 278.535)	2007-00400

O R D E R

ACCXX Communications, LLC (“ACCXX”) is a telecommunications provider, as defined under KRS 278.535(1)(a), authorized to provide service in Kentucky and is subject to the Commission’s jurisdiction. ACCXX is a foreign limited liability company authorized by the Office of the Secretary of State of the Commonwealth of Kentucky to do business as of February 20, 2002.¹ The records maintained by the Office of the Secretary of State show that the principal place of business is 4035 Tampa Road, Suite 6000, Oldsmar, Florida 34677 and that the registered agent is TCS Corporate Services, Inc., 828 Lane Allen Road, Suite 219, Lexington, Kentucky 40504.²

¹ The Office of the Secretary of State lists the identification number for this business as 0531473.

² Commission utility records state that ACCXX registered to provide communications services in Kentucky in 2002 and the business address provided to the Secretary of State is identical to the address provided to the Commission.

KRS 278.535 outlines the statutory procedures that a provider must follow to properly change a Kentucky customer's primary telecommunications carrier.³ The alleged violations of that statute by ACCXX are as follows.

ALLEGED VIOLATIONS

1. On or about July 30, 2007, Bobbie Patton reported to Commission Staff by telephone that her long-distance carrier had been changed to ACCXX without her consent. Her telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Ms. Patton establishing her request for a carrier change.

2. On or about July 31, 2007, Robert Morrow reported to Commission Staff by telephone that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Morrow establishing his request for a carrier change.

3. On or about July 31, 2007, Cindy Kerns reported to Commission Staff by telephone that her long-distance carrier had been changed to ACCXX without her consent. Her telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Ms. Kerns establishing her request for a carrier change.

4. On or about July 31, 2007, Kent Harrington reported to Commission Staff by letter that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has

³ This applies to both local and long-distance services.

been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Harrington establishing his request for a carrier change.

5. On or about August 7, 2007, Ira Partin, by and through Vicki Hayes, reported to Commission Staff by telephone that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Partin establishing his request for a carrier change.

6. On or about August 9, 2007, James Bruce reported to Commission Staff by telephone that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Bruce establishing his request for a carrier change.

7. On or about August 9, 2007, Dewey and Maddi Smith reported to Commission Staff by telephone that their long-distance carrier had been changed to ACCXX without their consent. Their telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by either Dewey or Maddi Smith establishing their request for a carrier change.

8. On or about August 10, 2007, Thomas Greb reported to Commission Staff by telephone that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission

Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Greb establishing his request for a carrier change.

9. On or about August 13, 2007, Joe Harrison Carter Elementary School, by and through Veronica Reecer, reported to Commission Staff by telephone that the school's long-distance carrier had been changed to ACCXX without its consent. The school's telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by any authorized person with Joe Harrison Carter Elementary School establishing a request for a carrier change.

10. On or about August 13, 2007, Dora McGill reported to Commission Staff by telephone that her long-distance carrier had been changed to ACCXX without her consent. Her telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Ms. McGill establishing her request for a carrier change.

11. On or about August 14, 2007, the Federal Communications Commission ("FCC") forwarded to Commission Staff a bill sent to David Sommers. Mr. Sommers states that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Sommers establishing his request for a carrier change.

12. On or about August 16, 2007, Merv Lawson reported to Commission Staff by telephone that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission

Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Lawson establishing his request for a carrier change.

13. On or about August 22, 2007, the Kentucky Office of the Attorney General forwarded to Commission Staff a letter sent by Albert Secrest stating that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Secrest establishing his request for a carrier change.

14. On or about August 28, 2007, the FCC forwarded to Commission Staff a complaint filed by Carolyn Dechman, by and through her son, Mike Dechman. Ms. Dechman contends that her long-distance carrier had been changed to ACCXX without her consent. Her telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Ms. Dechman establishing her request for a carrier change.

15. On or about August 31, 2007, Harlan Miller reported to Commission Staff by telephone that his long-distance carrier had been changed to ACCXX without his consent. His telephone number is [REDACTED]. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by Mr. Miller establishing his request for a carrier change.

16. On or about September 18, 2007, AWP Butcher Block, Inc., by and through Marcia Baugh, reported to Commission Staff by telephone that the business's long-distance carrier had been changed to ACCXX without its consent. There are four

telephone numbers for this business: (270) 786-2319, (270) 786-2320, (270) 786-2321, and (270) 786-5755. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization by any authorized person with AWP Butcher Block, Inc. establishing a request for a carrier change.

Based upon the foregoing allegations, the Commission, on its own motion, HEREBY ORDERS that:

1. ACCXX shall appear for a hearing to be held on February 5, 2008, beginning at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. This hearing shall be held for the purpose of demonstrating why it should not be subject to penalties specifically outlined in KRS 278.535(6), in addition to other potential penalties enumerated in KRS 278.990, for alleged violations of law, as described within this Order.

2. Any request for an informal conference with Commission Staff to consider matters which would expedite the handling or disposition of this proceeding shall be filed with the Commission no later than 30 days from the date of this Order.

3. Within 30 days of the date of this Order, ACCXX shall submit to the Commission a response to the allegations stated above. The response shall be accompanied by the following:

a. All documentation supporting any assertion by ACCXX that the carrier change was authorized by the customer of each telephone number, including, but not limited to, letters of agency or electronically recorded authorizations that meet

the requirements of KRS 278.535. If ACCXX is unable to supply such documentation, it shall supply a notarized statement naming the individual(s) responsible for obtaining such documentation and explaining why such documentation is unavailable.

b. A copy of every bill sent by ACCXX to each customer for each telephone number listed within this Order.

c. A copy, both front and back, of any check or other form of negotiable payment made by customers for each telephone number listed within this Order.

4. ACCXX shall be represented by counsel in this matter. Counsel shall be permitted to practice law in the Commonwealth of Kentucky, pursuant to Kentucky Supreme Court Rule 3.030. Counsel for ACCXX shall enter an appearance within 30 days of the date of this Order.

Done at Frankfort, Kentucky, this 27th day of September, 2007.

By the Commission

ATTEST:



Executive Director