

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE	)	ADMINISTRATIVE
OF CERTAIN UTILITIES TO FILE	)	CASE NO. 2008-00437
REQUIRED REPORTS	)	

O R D E R

On November 12, 2008, the Commission ordered certain utilities to show cause why they should not be subjected to civil penalties and why their authority to operate in this Commonwealth should not be revoked for their failure to comply with KRS 278.140 for calendar year 2007.<sup>1</sup> We further ordered that, should a utility fail to respond to this Order within 30 days, its authorization to provide utility service in this Commonwealth would be revoked, its tariff would be cancelled, and its name would be removed from the Commission's listing of active utilities.

Of the utilities ordered to show cause, those who have now filed and are in compliance with KRS 278.140 for calendar year 2007 are listed in Appendix A and the cases against them should be dismissed. Of the telecommunications utilities directed to show cause, those listed in Appendix B were properly served with the Order of November 12, 2008 but have not responded or filed the required reports.

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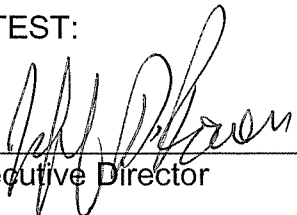
<sup>1</sup> KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings or receipts derived from intra-state business for the preceding calendar year and, if applicable, an annual report. Based upon these reports, the Commission certifies the intra-state revenue so collected to the Kentucky Revenue Cabinet and the Finance and Administration Cabinet. KRS 278.150. The Kentucky Department of Revenue then assesses each utility in proportion to its receipts from intra-state business for the preceding calendar year. The proceeds of this assessment are used to finance the Commission's operations. KRS 278.130. KRS 278.990 provides penalties for utilities that fail to file the required reports or to pay an assessment as provided in KRS 278.130 to 278.150.

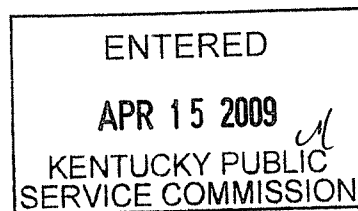
Based upon the foregoing, the Commission HEREBY ORDERS that:

1. The case against each entity listed in Appendix A to this Order is dismissed from this proceeding.
2. The authority of each entity listed in Appendix B to this Order to provide utility service in this Commonwealth is revoked.<sup>2</sup>
3. The tariff of each entity listed in Appendix B to this Order is cancelled.
4. Any entity listed in Appendix B that wishes to regain authority to provide utility service in the Commonwealth shall pay a penalty of \$250, together with accrued interest at the statutory rate of 12 percent per annum; apply in writing to the Commission for restoration of its authority to provide utility service; and file a new tariff setting forth its rates and conditions of service.
5. Subject to the filing of timely petition for rehearing pursuant to KRS 278.400, these proceedings are closed. The Executive Director shall place any future filings in the appropriate utility's general correspondence file or shall docket the filing as a new proceeding.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director



<sup>2</sup> The entities listed in Appendix B are telecommunications utilities. The Commission will consider by separate Order the cases of those entities that were listed in our Order of November 12, 2008 that are not telecommunications utilities or are telecommunications utilities that have not been properly served.

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY  
PUBLIC SERVICE COMMISSION  
IN ADMINISTRATIVE CASE NO. 2008-00437 DATED

**APR 15 2009**

**Appalachian Waste Control**

ID: 36850 (Sewer Company)  
Squire Williams III  
Temporary Receiver  
P.O. Box 676  
Frankfort, KY 40602

**County of Boone, Kentucky**

ID: 7001100 (Water District)  
Lisa Buerkley  
Treasurer  
P.O. Box 960  
Burlington, KY 41005

**Estill County Water District # 1**

ID: 21500 (Water District)  
ID: 22221500 (Sewer Company)  
Audrea Miller  
Office Manager  
76 Cedar Grove Road  
Irvine, KY 40336

**Green Hills Water District**

ID: 22100 (Water District)  
Alfred Witt  
Chairman  
P.O. Box 116  
Bledsoe, KY 40810

**Ledbetter Water and Sewer District**

ID: 24200 (Water District)  
ID: 22224200 (Sewer Company)  
Billy Downs  
District Manager  
P.O. Box 123  
Ledbetter, KY 42058

**Level 3 Communications, LLC**

ID: 22250094 (LD)  
William P. Hunt III, Esquire  
Vice President & Regulatory Counsel  
1025 Eldorado Boulevard  
Broomfield, CO 80021

**Lewis Sanitation Company, Inc.**

ID: 46100 (Sewer Company)  
John Lewis  
President  
771 Sargent Drive  
P.O. Box 22988  
Owensboro, KY 42304

**Oldham Woods Sanitation, Inc.**

ID: 48250 (Sewer Company)  
Georgann Martin  
Owner  
P.O. Box 23226  
Anchorage, KY 40223

**Tel-Tech Communications**

ID: 5056000 (CLEC)  
Robert Morgan  
President/General Manager  
3400 Lower McIntosh Road  
P.O. Box 242  
Stinnet, KY 40868

**Willow Pointe Sanitation**

ID: 9001500 (Sewer Company)  
Jerry Deatherage  
2135 Chamber Center Drive  
Ft. Mitchell, KY 41017

**Ztar Mobile, Inc.**

ID: 4102000 (Cellular)

Cymun Horner

Regulatory

951 N. Walnut Creek Drive

Suite C

Mansfield, TX 76063

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY  
PUBLIC SERVICE COMMISSION  
IN ADMINISTRATIVE CASE NO. 2008-00437 DATED  
**APR 15 2009**

**Call Processing, Inc.**

ID: 5156300 (LD)  
Charles J. Stimson, President  
901 E. 18<sup>th</sup> Street  
Plano, TX 75074

**CAT Communications International,  
Inc.**

ID: 22205059 (LD)  
Debra Waller  
Regulatory Assistant  
P.O. Box 11845  
Roanoke, VA 24017-0335

**Epixtar Communications Corp.**

ID: 5166400 (LD)  
William D. Rhodes, President  
11900 Biscayne Blvd.  
Suite 700  
Miami, FL 33181

**FreedomStarr Communications, Inc.  
d/b/a Planet Earth Communications  
and d/b/a iPhonebill.com**

ID: 5150400 (LD)  
Gary Hickox  
Regulatory  
8383 Wilshire Blvd., Suite 333  
Beverly Hills, CA 90211-2415

**Gates Communications, Inc.**

ID: 5158200 (LD)  
3100 Cumberland Blvd SE  
Suite 900  
Atlanta, GA 30339-5930

**Nations Broadband, Inc. d/b/a  
Nations Tel and MTS/Communicall**

ID: 5126300 (LD)  
Steven Green, Esq.  
Vice President, Regulatory  
13455 Noel Road, Suite 1000  
Dallas, TX 75240

**NationsLine Kentucky, Inc.**

ID: 5054800 (CLEC)  
Stephen Athanson  
General Counsel  
P.O. Box 11845  
Roanoke, VA 24022-1845

**PT-1 Communications, Inc.**

ID: 5123200 (LD)  
PT-1 Communications, Inc.  
3100 Cumberland Blvd SE  
Suite 900  
Atlanta, GA 30339-5930

**R2C Communications, Inc.**

ID: 5169200 (LD)  
Dennis E Bay  
President/CEO  
9532 Mission Road #25  
Overland Park, KS 66206

**StarVox Communications, Inc.**

ID: 5056050 (CLEC)  
ID: 5176700 (LD)  
Catherine M. Hannan  
The CommLaw Group  
1483 Chain Bridge Road, Suite 301  
McLean, VA 22101

**Total Telephone Concepts, Inc.**

ID: 5169000 (LD)

Andrew Farmer

Vice President

6 Fairway Drive

Lake Charles, LA 70605

**Wherify Wireless, Inc.**

ID: 4102700 (Cellular)

Jerry Parrick, President

63 Bovet Road

San Mateo, CA 94402

**Urtelecom, LLC**

ID: 5055990 (CLEC)

Wendell McCarty, Manager

310 Deer Run

Oneonta, AL 35121

**WinSonic Digital Media Group, Ltd.**

ID: 5055560 (CLEC)

ID: 5175700 (LD)

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