### COMMONWEALTH OF KENTUCKY

# BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

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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.

<sup>&</sup>lt;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



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<sup>&</sup>lt;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 1 5 2009

# **Appalachian Waste Control**

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

# Estill County Water District #1

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

# Ledbetter Water and Sewer District

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

#### Lewis Sanitation Company, Inc.

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

#### **Tel-Tech Communications**

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

# County of Boone, Kentucky

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

# **Green Hills Water District**

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

# Level 3 Communications, LLC

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

# **Oldham Woods Sanitation, Inc.**

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

# **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 1 5 2009

# Call Processing, Inc.

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

# **Epixtar Communications Corp.**

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

# Gates Communications, Inc.

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

# NationsLine Kentucky, Inc.

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

#### **R2C** Communications, Inc.

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

# CAT Communications International, Inc.

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

# 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

#### 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

#### PT-1 Communications, Inc.

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

#### 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) Beverly Jackson Director of Regulatory Affairs 101 Marietta Street NE Centennial Tower, Suite 2600 Atlanta, GA 30303 Airnex Communications, Inc. 3100 Cumberland Blvd SE Suite 900 Atlanta, GA 30339-5930

Gates Communications, Inc. 3100 Cumberland Blvd SE Suite 900 Atlanta, GA 30339-5930

PT-1 Communications, Inc. 3100 Cumberland Blvd SE Suite 900 Atlanta, GA 30339-5930

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Lisa Buerkley Treasurer County of Boone, Kentucky P. O. Box 960 Burlington, KY 41005

Jerry Deatherage Willow Pointe Sanitation Company 2135 Chamber Center Drive Mt. Mitchell, KY 41017

Greg T Diamond Corporate Counsel - Regulatory Level 3 Communications, LLC 1025 Eldorado Boulevard Broomfield, CO 80021

Billy Downs Director Ledbetter Sewer District P. O. Box 123 Ledbetter, KY 42058

Billy Downs Director Ledbetter Water District P. O. Box 123 Ledbetter, KY 42058-0123

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John L Ford President Woodland Acres Sanitation, Inc. 303 Overdale Drive Louisville, KY 40229

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Kevin Haddad CEO/President Ztar mobile, Inc. 325 N. St. Paul Street, Suite 3700 Dallas, TX 75201

Gary Hickox Regulatory FreedomStarr Communications, Inc. dba Planet 8383 Wilshire Blvd., Suite 333 Beverly Hills, CA 90211-2415

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John L Lewis President Lewis Sanitation Company, Inc. d/b/a Garden 771 Sargent Drive P. O. Box 22988 Owensboro, KY 42304

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Georgann Martin Owner Oldham Woods Sanitation, Inc. P. O. Box 23226 Anchorage, KY 40223

Wendell McCarty Manager Urtelecom, LLC 310 Deer Run Oneonta, AL 35121

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Jerry Parrick President Wherify Wireless, Inc. 63 Bovet Road San Mateo, CA 94402

William D Rhodes President Epixtar Communications Corp. 11900 Biscayne Blvd. Suite 700 Miami, FL 33181 Kim Smith Vice President Dialtone & More, Inc. 6784 West Broad Street Douglasville, GA 30134

Charles J Stimson President Call Processing, Inc. 901 E. 18th. Street Plano, TX 75074

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