

**278.542 Effect of KRS 278.541 to 278.544 on commission's jurisdiction -- Filing by telephone utilities required.**

- (1) Nothing in KRS 278.541 to 278.544 shall affect the commission's jurisdiction with respect to:
  - (a) Any agreement or arrangement between or among ILECs;
  - (b) Any agreement or arrangement between or among ILECs and other local exchange carriers;
  - (c) Consumer complaints as to compliance with basic local exchange service obligations, and the quality of basic voice-grade service transmission for basic and nonbasic services, consistent with accepted industry standards for telecommunications services;
  - (d) The emergency 911 telephone service as set forth in KRS 65.750 to 65.760 or wireless enhanced emergency 911 systems as set forth in KRS 65.7621 to 65.7643;
  - (e) Accuracy of billing for telecommunications services, in accordance with the truth-in-billing regulations prescribed by the Federal Communications Commission;
  - (f) Assessments as set forth in KRS 278.130, 278.140, and 278.150;
  - (g) Unauthorized change of telecommunications providers or "slamming" under KRS 278.535;
  - (h) Billing of telecommunications services not ordered by or on behalf of the consumer or "cramming" to the extent that such services do not comply with the truth-in-billing regulations prescribed by the Federal Communications Commission;
  - (i) The federal Universal Service Fund and Lifeline Services Program and any Kentucky state counterpart;
  - (j) Any special telephone service programs as set forth in KRS 278.547 to 278.5499;
  - (k) Tariffs, except as expressly provided for in KRS 278.541 to 278.544;
  - (l) Setting objectives for performance as to basic local exchange service; except that the objectives shall not exceed existing commission standards or associated penalties as of July 12, 2006;
  - (m) Prohibiting price differences among retail telecommunications customers to the extent that such differences are attributable to race, creed, color, religion, sex, or national origin; or
  - (n) Ensuring that a telephone utility furnishes safe, adequate, and reasonable basic local exchange service to customers within that utility's service area.
- (2) Telephone utilities operating pursuant to KRS 278.541 to 278.544 shall file with the commission a form containing:
  - (a) The complete name of the telephone utility;
  - (b) The physical address of its principal office; and

- (c) The name, title, and telephone number of the person responsible for answering consumer complaints on behalf of the telephone utility.
- (3) No telephone utility shall engage in predatory pricing as defined by the United States Supreme Court in *Brooke Group Ltd. v. Brown & Williamson Tobacco Corp.*, 509 U.S. 209 (1993).
- (4) Nothing in KRS 278.541 to 278.544 shall affect the alternative regulation process for small telephone utilities as set forth in KRS 278.516.

**Effective:** July 12, 2006

**History:** Created 2006 Ky. Acts ch. 239, sec. 2, effective July 12, 2006.