

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

* * * * *

In the Matter of

THE PETITION OF SOME RESIDENTS)
OF BUTLER AND FALMOUTH IN PENDLETON)
COUNTY, KENTUCKY, FOR EXTENDED AREA)
TELEPHONE SERVICE (EAS) TO THE)
EXCHANGES OF ALEXANDRIA, AND)
CINCINNATI, OHIO)

CASE NO. 8110

O R D E R

On October 16, 1980, a petition was filed with the Commission wherein some residents of Butler and Falmouth in Pendleton County, Kentucky ("Petitioners"), requested Extended Area Telephone Service (EAS) with the exchanges of Alexandria, Kentucky Metropolitan, Independence, and Cincinnati, Ohio. All exchanges are served by Cincinnati Bell Telephone Company ("Bell"). By Order in this matter dated December 30, 1980, the petition was made subject to the general provisions of the Commission's EAS Guidelines, as adopted in Administrative Case No. 221, dated October 31, 1980. Additionally, Bell was ordered to provide its response to the subject petition within 30 days of the date of that Order, in accordance with the provisions of Step (1) of the Commission's EAS Guidelines. On January 30, 1981, Bell filed its response with the Commission.

As part of its response, Bell also submitted toll traffic information in accordance with Step (3) of the Commission's EAS Guidelines. The traffic data submitted were based on a toll traffic study conducted in July 1979 and updated through the use of statistical sampling techniques for the period January 1980 through June 1980.

The results of these studies indicated that the calling rates and calling distributions fell significantly below the minimum criteria established in Step (3) of the Commission's EAS Guidelines, with the exception of the calling rate established from Butler to Kentucky Metropolitan, which showed an average of 4.33 calls per main station during the study period.

After receiving Bell's response, the Commission, by Order dated March 27, 1981, set the matter for hearing on Thursday, May 7, 1981, at 10:00 A.M., Eastern Daylight Time, in the Commission's offices at Frankfort, Kentucky, for the purpose of granting petitioners the opportunity to demonstrate to the Commission why this matter should be pursued in view of the low calling activity among the various toll study routes as indicated by the toll traffic studies. Representatives of Bell were also ordered to appear at the hearing and offer testimony with respect to the toll traffic study results and further to respond to questions relative to the matter. The hearing was held as scheduled, and all parties of interest were given the opportunity to be heard. There were no intervenors present at the hearing.

DISCUSSION

Petitioners are requesting in this matter that the Commission order Bell to establish EAS between Pendleton County subscribers and each of the exchanges of Alexandria, Kentucky Metropolitan, Independence, and Cincinnati, Ohio. Since this Commission's jurisdiction does not extend interstate, the subject of EAS with Cincinnati, Ohio, will not be a matter of further discussion in this Order.

Step (3) of the Commission's EAS Guidelines specify minimum criteria which must be shown as a result of toll traffic studies to indicate

a two-way community of interest between one petitioning exchange and desired exchange(s). The toll traffic study results submitted by Bell failed to meet these minimum criteria. However, Step (4) of the Guidelines specifies that the matter will be set for public hearing at which time all interested parties shall be allowed to present testimony on relevant subjects, including community of interest and other pertinent data. Since the toll traffic study results did not meet the minimum criteria set forth in the Guidelines, the burden of proof in the instant proceeding must fall on petitioners to demonstrate to the Commission a two-way community of interest sufficient to justify further consideration of this matter.

The Commission feels that petitioners have failed to show the necessary two-way community of interest. Although testimony was introduced indicating calling interest from Pendleton County into the various desired exchanges, no substantial calling interest was shown in the opposite direction.

However, the Commission does feel that Bell should be required to develop rates for Optional Calling Plans ("OCP") which will allow special rates for Pendleton County subscribers desiring to call into the desired Northern Kentucky Exchanges.

At the hearing, petitioners discussed two other pertinent matters related to this case. The first concerned a complaint of a cross-boundary foreign exchange service provided to Mrs. Arthur Weaver who resides on Ivor Road, R.R. #2, California, Kentucky 41007, in the Butler Exchange. Bell admitted by letter received May 14, 1981, that this customer had been allowed to keep this service after she moved, in violation of Bell's tariff in the matter filed July 26, 1970. Although allowing this service was a tariff violation, Mrs. Weaver

has not been given notice of any complaint or corrective action. In order to provide due notice and to assure Mrs. Weaver of an opportunity to make other arrangements, Bell should inform Mrs. Weaver that this service will be removed within a reasonable time.

The second matter presented by petitioners was a concern on their part that residences located on or near the boundary line between the Butler and Alexandria Exchanges and between the Butler and Independence Exchanges receive telephone service from the proper serving central office. The Commission feels that Bell should review service to such residences to insure that proper service is being supplied in accordance with Bell's filed boundary maps and boundary line tariffs, and further should report those results to the Commission.

FINDINGS

The Commission, after consideration of this matter including the public hearing and all correspondence of record, and being advised, is of the opinion and finds that:

1) The toll traffic study results which were submitted do not meet the minimum criteria specified in Step (3) of the Commission's EAS Guidelines concerning levels of calling activity between any of the various study routes involved which would be sufficient to justify continuation of this matter;

2) Petitioners have failed to demonstrate a two-way community of interest which must be shown to justify further consideration of this matter, and therefore this matter should be dismissed;

3) Bell should develop OCP rates and tariffs which will allow special rates for Pendleton County subscribers desiring to call into the exchanges which are the subject of this case and in which telephone service is subject to the jurisdiction of this Commission;

4) Bell should inform Mrs. Arthur Weaver of Ivor Road, R.R. #2, California, Kentucky 41007, of the fact that her Alexandria Cross-Boundary Foreign Exchange service will be removed on July 1, 1983, and further should accomplish this action at that time; and

5) Bell should review the status of telephone service to subscribers who receive service on or near the boundary line between the Butler and Alexandria Exchanges and between the Butler and Independence Exchanges to insure that such service is received from the proper serving central office in accordance with Bell's filed boundary maps and boundary line tariffs.

IT IS THEREFORE ORDERED that the petition for EAS between Pendleton County and the subject desired exchanges be and it hereby is denied.

IT IS FURTHER ORDERED that Cincinnati Bell Telephone Company shall develop Optional Calling Plan tariffs and rates for Pendleton County subscribers to call into the Alexandria, Kentucky Metropolitan, and Independence Exchanges, to be effective on November 1, 1981, and further shall file those tariffs and rates with the Commission within 30 days of the date of this Order.

IT IS FURTHER ORDERED that Cincinnati Bell Telephone Company shall, within 30 days prior to the effective date of the Optional Calling Plan Filing, inform its Pendleton County subscribers via the use of bill inserts of the availability, conditions, and rates of the approved tariffs.

IT IS FURTHER ORDERED that Cincinnati Bell Telephone Company shall take corrective action in accordance with Finding (4) of this Order in the matter of the Cross-Boundary Foreign Exchange Service, provided to Mrs. Arthur Weaver of Ivor Road, R.R. #2, California, Kentucky 41007.

IT IS FURTHER ORDERED that Cincinnati Bell Telephone Company shall undertake, in accordance with Finding (5) of this Order, a review of the telephone service provided to subscribers therein, and further shall report those results to the Commission within 90 days of the date of this Order.

Done at Frankfort, Kentucky, this 9th day of June, 1981.

PUBLIC SERVICE COMMISSION

Marlin M. Voth
Chairman

Katharine Randall
Vice Chairman

Ann Harrison
Commissioner

ATTEST:

Secretary