

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

THE COMPLAINT OF MRS. ALTON TUCKER,)
SHEPERDSVILLE, KENTUCKY AGAINST) CASE NO. 8554
ALLIED TELEPHONE COMPANY)

O R D E R

On June 25, 1981, the Commission received a letter from Mrs. Alton Tucker ("Petitioner"), Shepherdsville, Kentucky, wherein she raised certain questions with regard to the southernmost boundary of the Zoneton Exchange of Allied Telephone Company ("Allied") in Bullitt County, Kentucky. Commission Case No. 6882, which was being heard and decided during this period, would have made Petitioner's complaint moot if it had been successful for the Petitioners therein. Therefore, the matter was held in abeyance pending the conclusion of that case.

A public hearing was held in the matter on July 14, 1982. All interested parties were given the opportunity to be heard. Following the hearing, written briefs were filed by Petitioner on September 30, 1982, and by Allied on November 1, 1982.

Discussion

In 1964, in Case No. 3908 (made a part of this case by reference), the Commission was asked to define and resolve the service boundary between South Central Bell Telephone Company and Echo Telephone Company (now Allied). Where both companies were

serving in the area, the Commission determined that the proper solution was to create the Zoneton Exchange of Allied, thereby drawing the serving line between Allied's Shepherdsville and Zoneton Exchanges. The testimony in that case shows that the boundary line was generally agreeable to the parties concerned.

The record in Case No. 3908 also shows that the Commission at that time considered the possibility of including the Shepherdsville exchange in the Louisville calling area. However, in recognition of the fact that Zoneton was part of the population outgrowth from Jefferson County, while Shepherdsville was an established community and not part of the Louisville outgrowth, several business and community interests opposed this proposal. It was, therefore, not accomplished. The Final Order in Case No. 3908 was dated June 4, 1964.

In this case, Petitioner's complaint is that the existing southern boundary of the Zoneton Exchange is not in conformance with the Commission's Order in Case No. 3908, and that if it were, Petitioner would be located within the Zoneton Exchange boundary and should receive Zoneton telephone service. Shepherdsville and Zoneton presently have extended area telephone service ("EAS") between the two exchanges, and Petitioner desires to receive Zoneton service in order to have EAS with Louisville.(1)

Petitioner has relied heavily on the testimony of Mr. Marvin DeBell, a Consultant Engineer employed by Echo, in Case No. 3908. In reference to the area in question in this case, Mr. DeBell testified as follows in Case No. 3908:

(1) Case No. 8554, Transcript of Evidence, July 14, 1982, Page 47.

It crosses the Kentucky Turnpike approximately four miles south of the Jefferson - Bullitt County Line, and extends in a slightly southwesterly direction from the Kentucky Turnpike to a point just south of Mt. Elmira Church, that point being approximately 2½ miles south of that church, and then breaking off and running generally north back to the Jefferson - Bullitt County line. That exchange is proposed to serve all the existing residents, including those presently served by Echo and those presently served by Bell as well as all future residents who may move into the area.(2)

The testimony in Case No. 3908 indicates that Mr. DeBell was using a map (later to be filed as Echo Exhibit No. 1) on which to base his testimony concerning the proposed exchange boundary. Unfortunately, Echo Exhibit No. 1 is missing from the Commission's files. No party was able to locate it or establish the cause of that Exhibit's disappearance.

In any event, the Commission's Order in Case No. 3908 directed Echo to establish the Zoneton Exchange within the boundary of the proposed Zoneton Exchange (apparently on the basis of Echo Exhibit No. 1), with the exception that the boundary be expanded to include additional area north and south of Bells Mill Lane and East of Kentucky Highway 61 to Floyd's Fork. This change from Echo Exhibit No. 1 would not in any event affect the boundary in the area in which Petitioner resides. Allied filed tariff maps of the Zoneton and Shepherdsville exchange boundary in 1966 and again in 1977. Neither of those Exchange Boundary Maps included Petitioner's residence within the Zoneton Exchange.

(2) Case No. 3908, Transcript of Evidence, January 27, 1964, Page 11.

Although Mr. DeBell's testimony in Case No. 3908 was based on the missing Echo Exhibit No. 1, it is apparent that his description of the proposed Zoneton Exchange boundary line was, by his own admission, a "general outline."⁽³⁾ Indeed, Echo Exhibit No. 1 was never intended to be filed as a tariff boundary map of the proposed new exchange. The first filing of such a tariff map was not made until 1966. The decision in this matter must therefore depend on whether or not the tariff map filed in 1966, and subsequently refiled in 1977, is consistent with the Commission's Order of June 4, 1964, in Case No. 3908.

The 1966 and 1977 tariff maps, contained in the Commission's files, are consistent with the Order in Case No. 3908. Additionally, they reflect the actual subscriber serving arrangements since at least 1966. Although the missing exhibit would be useful, the overwhelming weight of evidence is in favor of the tariff maps. The tariff maps are not inconsistent with that missing exhibit, since the Order in Case No. 3908 directed that a change be made in the proposed boundary. If Mr. DeBell's testimony had been exact as to the location of the boundary, the change to include additional area in the exchange would have been unnecessary, since that area would have been included in the original proposal.⁽⁴⁾

Findings and Order

The Commission, having considered this matter, including

(3) Ibid., Page 11.

(4) Case No. 8554, Transcript of Evidence, July 14, 1982, Page 44.

the public hearing and all evidence of record, and being advised, is of the opinion and finds that:

1) The testimony in Case No. 3908 is not, nor was it meant to be, an exact description of the boundary line of the proposed Zoneton Exchange;

2) Tariff maps filed by Allied in 1966 and 1977 are consistent with the Commission's Order in Case No. 3908 and reflect actual customer serving arrangements in the Zoneton Exchange since its inception;

3) Petitioner's residence is not nor has it ever been included within the filed tariff boundaries of the Zoneton Exchange; and


4) Petition's complaint should be dismissed.

IT IS THEREFORE ORDERED that Petitioner's complaint against Allied in this matter be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 8th day of December, 1982.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary