

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO THE CONNECTION OF)
CUSTOMER-PROVIDED COIN-ACTIVATED TELE-) CASE NO. 8883
PHONES TO THE TELEPHONE NETWORK)

O R D E R

By Petition for Rehearing and/or Reconsideration, filed by Cincinnati Bell Telephone Company ("Cincinnati Bell") on February 3, 1984, and joined in by South Central Bell Telephone Company ("South Central Bell") and the Attorney General on February 10, 1984, Cincinnati Bell petitioned the Commission to reconsider its Order of January 31, 1984, allowing Victor J. Toth to practice, as an attorney not admitted in Kentucky but admitted to practice in another state, pro hac vice for this particular case.

The Commission's Order of January 31, 1984, granting admission to Mr. Toth, arose from a Motion filed by Coin-Tel, Inc., on January 30, 1984. In line with the Commission's general policy to encourage a full and complete record and the widest reasonable participation in Commission proceedings, the Motion was granted the following day before the Commission was aware of the objections of Cincinnati Bell, South Central Bell, and the Attorney General.

All of the petitioners and movant have filed memoranda of law supporting or opposing the admission of Mr. Toth as counsel for this proceeding. The issue is easily stated: Whether Mr. Toth's election in the previous hearing to act as the principal witness for proponents should disqualify him from acting as an attorney in this case.

In an effort to cure the objections to the admission of Mr. Toth as counsel pro hac vice, proponents have offered to withdraw that part of his testimony relating to the public policy issues involved in the Commission's Order of December 22, 1983, denying the connection of customer-provided coin-activated telephones to the public switched network.

However, since the rehearing granted on the Motions of Omni Co. (Wrightsel), Coin-Tel, Inc., and Long Distance Savers, Inc., goes to the public policy issues as well as other considerations raised by the original petition, all parties should be allowed direct and cross-examination of Mr. Toth, as their respective positions require. In addition, any party may, at the rehearing, offer any additional evidence believed supportive of their respective positions. Also, the Commission invites testimony from all parties to the following finding of the Commission in its Order of August 18, 1983 (Case No. 8883):

1. A telephone subscriber providing a coin-activated telephone for the exclusive purpose of local exchange calls is not a public utility, and should not be required to obtain a certificate of public convenience and necessity from the Commission[.] (At p. 3.)

The Commission, having considered this matter, and being advised, ORDERS that the admission of Victor J. Toth, Esq. as

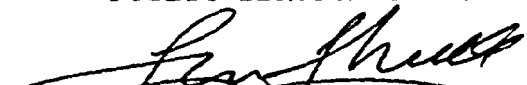
attorney pro hac vice for this proceeding was improvidently granted and is inappropriate under the circumstances of this case. That Order is, accordingly, withdrawn;


IT IS FURTHER ORDERED that the rehearing in this matter will be held in the offices of the Commission in Frankfort, Kentucky, on April 3, 1984, at 9:30 A.M., E.S.T.;


IT IS FURTHER ORDERED that all parties shall file direct testimony not later than the close of business March 20, 1984, with copies to all other parties of record.

Done at Frankfort, Kentucky, this 2nd day of March, 1984.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary