

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GREG HART COMMUNICATIONS, INC.	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 92-203
	)	
CINCINNATI BELL TELEPHONE COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

Cincinnati Bell Telephone Company ("Cincinnati Bell") is hereby notified that it has been named as defendant in a formal complaint filed on April 16, 1992, a copy of which is attached hereto as Appendix A, by Greg Hart Communications, Inc. ("Hart Communications").

In the complaint, Hart Communications alleges that Cincinnati Bell is interfering with the operation of its payphone service. Hart Communications requests as its relief that the Commission order Cincinnati Bell to do the following:

1. Cease and desist from interfacing with the daily operations of Hart Communications' payphone service ("Relief Item 1");
2. Reimburse Hart Communications \$45.00 representing the three day downtime sales allegedly lost due to the interference ("Relief Item 2");

3. Reimburse Hart Communications \$27.00 for two hours technician wages payed to a service technician who examined the line ("Relief Item 3").

In examining the complaint, the Commission believes that the relief sought divides it between the jurisdiction of the Commission and the court. Hart Communications' Relief Item 1 clearly lies within the exclusive jurisdiction of the Commission. However, Hart Communications also seeks damages in Relief Items 2 and 3. The Commission possesses no power to adjudicate claims for damages. Carr v. Cincinnati Bell, Inc., Ky. App., 651 S.W.2d 126 (1983).

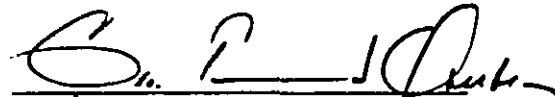
IT IS THEREFORE ORDERED that:

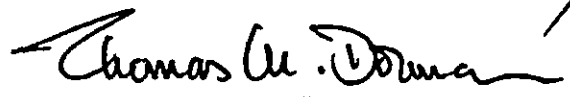
1. Relief Items 2 and 3 of the complaint are hereby dismissed for lack of jurisdiction.

2. Pursuant to 807 KAR 5:001, Section 12, Cincinnati Bell shall satisfy the matter complained of concerning Relief Item 1 of the complaint or file a written answer within 10 days from the date of this Order.

Done at Frankfort, Kentucky, this 14th day of May, 1992.

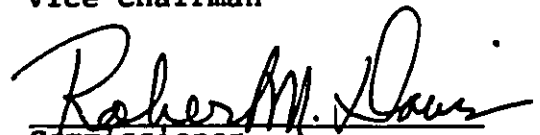
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director, Acting

  
Commissioner

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 92-203 DATED MAY 14, 1992



RANGE PHONE™

**GREG HART COMMUNICATIONS INC.**

REC'D  
APR 16 1 31 PM '92  
PUBLIC SERVICE  
COMMISSION

Mr. Claude G. Rhorer, Jr.  
Acting Executive Director  
Commonwealth of Kentucky  
Public Service Commission  
730 Schenkel Lane  
PO Box 615  
Frankfort, KY 40602

April 13, 1992

Dear Mr. Rhorer,

I am writing to provide you with the attached formal complaint against Cincinnati Bell Telephone Company, the local exchange company that I must purchase COCOT line service from to operate within the northern Kentucky pay phone market.

I ask for your objective review of the incident and a meeting to discuss this and other incidents as they relate to Cincinnati Bell Telephone and their business practices.

Thanks for your time.

Sincerely,

Gregory J. Hart, President, Greg Hart Communications, Inc.

cc: Ms. Linda Butler, Cincinnati Bell Telephone Company

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DEFENDANT )

APR 16 1 31 PM '92  
PUBLIC SERVICE COMMISSION  
RECEIVED

C O M P L A I N T

The complaint of Greg Hart Communications, Inc. respectfully shows:

- (a) Greg Hart Communications, Inc.  
901 Holz Avenue  
Cincinnati, OH 45230
- (b) Cincinnati Bell Telephone Company (CBT)  
201 East Fourth Street  
Cincinnati, OH 45202

That:

1. On Thursday, February 13, 1992 the Complainant was making collection service calls on his phones when an irate Orange Phone tm customer from the Bluegrass IGA claimed that she would never use the Orange Phone tm again because she said that she deposited \$1.00 and got no call.
2. The Complainant, after refunding the customer her \$1.00, tested the Orange Phone tm in question. Going off hook and trying to dial out resulted in the Complainant getting a CBLD 07 (Cincinnati Bell Long Distance) call intercept message that said to call 10288 (AT&T) to place a long distance call.

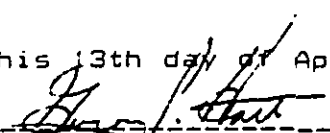
Greg Hart Communications, Inc. VS Cincinnati Bell Telephone Co.

3. The Complainant was duly concerned because the phone had been picked to MCI for all 1+ long distance and had operated without error for several months.
4. The Complainant immediately called Cincinnati Bell to report the problem and was informed that he would have to pay the hourly rate of their technician if they came out and found the problem to be from the demarkation jack to the Orange Phone tm.
5. The Orange Phone tm was isolated from the system by our service technician and the problem was determined to be on Cincinnati Bell's line.
6. I met a Cincinnati Bell service technician the next day and he confirmed what we had already known...the problem was on Cincinnati Bell's line. He further determined that it was an office problem..."someone must have hit the wrong key."
7. Later inquiries resulted in Cincinnati Bell COCOT service department saying that they couldn't provide me with the reason for the call intercept being put on my line.

Wherefore, Complainant asks that the Defendant be ordered to:

1. Cease and desist from interfering with the daily operation of the Complainant's Orange Phones tm,
2. Reimburse Complainant for the three day downtime sales that were lost equivalent to \$45.00 (\$15.00/day), and
3. Reimburse Complainant for two hours technician wages (\$27.00) that were payed to have an Orange Phone tm technician visit the site to determine that the problem was on the Bell lines.

Dated at Cincinnati, OH, this 13th day of April, 1992.

  
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Gregory J. Hart, President,  
Greg Hart Communications, Inc.