

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CINCINNATI BELL)
TELEPHONE COMPANY, LLC. FOR A)
CERTIFICATE OF CONVENIENCE) CASE NO.
AND NECESSITY AUTHORIZING) 2015-00224
IT TO BID ON A TELEPHONE)
FRANCHISE IN THE CITY OF WARSAW,)
A CITY OF THE FOURTH CLASS IN)
GALLATIN COUNTY, KENTUCKY)

ORDER

On July 6, 2015, Cincinnati Bell Telephone Company, LLC ("Cincinnati Bell") applied to the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to authorize it to bid on a franchise offered by the city of Warsaw, Kentucky, for telephone and cable television service. Under the provisions of KRS 278.020(4), no utility may enter into a franchise agreement with any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for the service sought to be rendered. However, based on the definition of the term "utility" as set forth in KRS 278.010(3), the Commission finds that Cincinnati Bell's provision of telephone service is subject to our regulatory jurisdiction, but its provision of cable television service is not subject to our regulatory jurisdiction and no CPCN is needed to bid on a cable television franchise.

In light of the city of Warsaw's ordinance creating a franchise for telephone service, the Commission determines that there is evidence of a need and demand for telephone service in the above-mentioned city. Since the Commission's authority in

such matters is limited by statute to finding only whether there is a need and demand for the jurisdictional service sought to be rendered, no finding or determination is made as to the qualifications of the bidder, the validity of any of the provisions of the franchise offered by said city, or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:

1. Cincinnati Bell is granted a CPCN that authorizes it to bid on a franchise offered by the city of Warsaw, Kentucky, for telephone service.

2. If Cincinnati Bell is not the successful bidder, Cincinnati Bell shall, within ten days of the award of the telephone franchise at issue, file with the Commission a written notice stating that Cincinnati Bell was not the successful bidder.

3. If Cincinnati Bell is the successful bidder, Cincinnati Bell shall, within ten days of the award of the telephone franchise at issue, file with the Commission a copy of the executed franchise agreement and a statement disclosing the amount of the initial franchise fee.

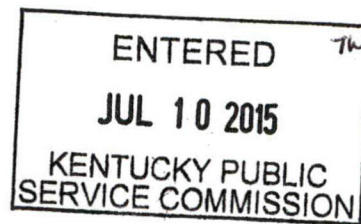
4. If Cincinnati Bell is the successful bidder, Cincinnati Bell shall, within ten days of an increase or decrease in the amount of the initial telephone franchise fee set forth in the franchise agreement, file with the Commission documentation setting forth the revised fee.

5. Cincinnati Bell's request for a CPCN that authorizes it to bid on a franchise offered by the city of Warsaw, Kentucky, for cable television service is denied as being beyond the scope of the Commission's regulatory jurisdiction.

6. Any documents filed pursuant to ordering paragraphs 2, 3, or 4 of this Order shall reference the number of this case and shall be electronically submitted via the Commission's electronic Tariff Filing System.

7. This Order shall not be construed as granting a CPCN to construct utility facilities in said city.

By the Commission



ATTEST:



Executive Director

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