

**CASE**

**NUMBER:**

99-019

INDEX FOR CASE: 99-019  
BELLSOUTH LONG DISTANCE, INC.  
Complaints - Rates, Service  
OF CLAUDE JEFFREY DOWNEY

IN THE MATTER OF CLAUDE JEFFREY DOWNEY VS. BELLSOUTH  
TELECOMMUNICATIONS, INC.

SEQ NBR	ENTRY DATE	REMARKS
0001	01/20/99	Application.
0002	01/22/99	Acknowledgement letter.
0003	01/26/99	Order entered; info due 2/5
M0001	02/08/99	BELLSOUTH COROTHY CHAMBERS-MOTION FOR EXTENSION OF TIME
0004	02/09/99	Order granting motion for extension of time; info now due 2/19
M0002	02/18/99	DOROTHY CHAMBERS BELLSOUTH-RESPONSE TO CLAUDE JEFFERY DOWNEY
0005	03/12/99	Order scheduling 3/26 informal conference to be held at Complainant's residence
0006	03/30/99	Informal Conference Memorandum
0007	04/22/99	Order directing that any party desiring a hearing shall file req. by 5/3/99.
0008	05/18/99	Final Order denying requested relief and dismissing complaint.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-019  
BELLSOUTH LONG DISTANCE, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on May 18, 1999.

See attached parties of record.

*Stephanie Bell*  
\_\_\_\_\_  
Secretary of the Commission

SB/hv  
Enclosure

1  
Claude J. Downey  
994 Joe's Branch Road  
P. O. Box 108  
Pleasureville, KY. 40057

Honorable Dorothy J. Chambers  
General Attorney  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY. 40232

Honorable William J. Ellenberg  
Thomas B. Alexander, General Attorney  
BELLSOUTH TELECOMMUNICATIONS, INC.  
Suite 4300 BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA. 30375 0001

Mr. David Bannister  
Parsons  
1535 Twilight Trail  
Frankfort, KY. 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 99-019
	)	
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On January 20, 1999, Claude Jeffrey Downey ("Complainant") filed a formal complaint against BellSouth Telecommunications, Inc. ("BellSouth"). The Complainant stated that he had requested BellSouth to serve his home at 994 Joe's Branch Road, Pleasureville, Kentucky. At the time of the initial request, Mr. Downey claimed he was not informed that there may be additional costs beyond the basic installation fee for residential service to his home. When a BellSouth technician arrived to install service, however, the technician apparently informed Mr. Downey that he may incur additional costs. Mr. Downey stated that on November 2, 1998, BellSouth billed him \$1,312.56 for installation of service. The Complainant believes that the construction charge is excessive and requests that the Commission order BellSouth to drop the charge of \$1,312.56.

On January 26, 1999, the Commission ordered BellSouth to satisfy or answer the complaint. After BellSouth was granted an extension of time in which to respond to the complaint, an Answer was filed on February 18, 1999. In its Answer BellSouth denied the Complainant's requested relief. BellSouth stated that its investigation of the matter

revealed that the construction charge of \$1,312.56 is appropriate and applicable to the customer pursuant to its filed tariff.<sup>1</sup> The tariff states in pertinent part:

A maximum of 750 feet of cable or wire facilities which are required for central office circuits will be provided at no additional charge. Except as otherwise specified, construction charges may apply for all other cable or wire facilities provided in connection with pole line entrance facilities.

According to BellSouth's Answer, the Complainant's residence is more than 750 feet from BellSouth's facilities. BellSouth averred that it must build a new pole route and install 3,673 feet of wire to provide service to the Complainant from the nearest BellSouth facilities. BellSouth stated, however, that it is only billing the Complainant for 750 feet of rural C wire, 250 feet of buried facilities and associated trenching costs, three telephone poles, one guy and one anchor.<sup>2</sup> According to BellSouth, it is not charging the Complainant for 2,173 feet of the extension because this portion may benefit other customers and is therefore considered "service in general." Another 750 feet of the extension is being provided free of charge pursuant to the above-cited tariff provision. Thus, a total of 2,923 feet of the extension required to serve Mr. Downey is being provided free of charge.<sup>3</sup>

On March 30, 1999, the Complainant, Commission staff and BellSouth personnel participated in an on-site informal conference at the Complainant's home. The purpose of the informal conference was to discuss the construction plans and costs for serving the Complainant as submitted by BellSouth in its Answer.

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<sup>1</sup> General Subscriber Services Tariff A5.1.3.B.3.

<sup>2</sup> Answer at 3.

<sup>3</sup> Answer at 4-5.

On April 22, 1999, the Commission issued an order requiring any party desiring a formal hearing in this matter to make a written request for such hearing within 10 days. As neither party requested a public hearing, the case was submitted to the Commission for a decision.

Based upon the evidence of record in this case, the Commission finds that the construction charge as estimated by BellSouth was properly charged to the Complainant.

807 KAR 5:061, Section 8 of the Commission's regulations states the following:

(2) Each telephone utility shall make an extension of 750 feet or less, free of charge, from existing plant facilities to provide service to applicants who shall apply for and contract to use the service for up to one (1) year and guarantee payment for the service.

(3) Other extensions:

(a) 1. When an extension to serve an applicant or a group of applicants amounts to more than 750 feet per applicant, the utility may, if not inconsistent with its filed tariff, require the total cost of excessive footage over 750 feet per customer to be paid to the utility by the applicant or applicants, based on average estimated cost per foot of the total extension.

The regulation clearly authorizes BellSouth to charge applicants the estimated construction charge for extensions greater than 750 feet provided that its filed tariff is not inconsistent. A review of BellSouth's tariff indicates that its provisions are in fact consistent with the regulation.

In accordance with the regulation, the General Subscriber Services Tariff A5.1.3.B.3, cited at page 2, states that the company will provide up to 750 feet of wire facilities at no charge to the applicant. It also states that construction charges may apply for all other cable and wire facilities, i.e. those greater than 750 feet, provided in connection with pole line entrance facilities. Moreover, at A5.1.2.A.1 the tariff states: "Construction charges are payable upon application for service or when billing is rendered as the

Company may, at its option, require." These provisions prescribe conditions of service which have been duly filed with the Commission pursuant to KRS 278.160(1). As they are part of BellSouth's filed tariff, the provisions were properly applied to the Complainant's application for service.

According to the record, there is an estimated construction charge of \$1,312.56 to provide service to the Complainant. BellSouth's Answer states that the amount includes the cost of installing 750 feet of aerial facilities, 250 feet of buried facilities, three poles, one guy and one anchor. A total of 2,923 feet of the necessary extension is being provided at no charge to the Complainant. The Commission finds that pursuant to its regulation and BellSouth's tariff, BellSouth is permitted to charge the Complainant the estimated cost of constructing an extension in excess of 750 feet in advance of providing service.

With regard to the possibility of refunds to the Complainant should other customers be served from the line in question, the Commission states only that such a refund, if any, would be made pursuant to 807 KAR 5:061, Section 8(3)(a)(2) and any applicable tariff provisions. The regulation states the following:

Each year for a refund period of not less than ten (10) years, the utility shall refund to any customer who paid for the excessive footage the cost of 750 feet of the extension in place for each additional customer connected to the extension installed and not to extensions or laterals therefrom.

Based upon the evidence of record and being otherwise sufficiently advised, the Commission HEREBY ORDERS that the requested relief is denied and the complaint is dismissed.



Done at Frankfort, Kentucky, this 18th day of May, 1999.

By the Commission

ATTEST:

  
Executive Director

Claude J. Downey  
994 Joe's Branch Road  
P. O. Box 108  
Pleasureville, KY 40057

Honorable Dorothy J. Chambers  
General Attorney  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY 40232

Honorable William J. Ellenberg,  
Thomas B. Alexander, General Attorney  
BELLSOUTH TELECOMMUNICATIONS, INC.  
Suite 4300 BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375 0001

Mr. David Bannister  
Parsons  
1535 Twilight Trail  
Frankfort, KY 40601



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

April 22, 1999

To: All parties of record

RE: Case No. 99-019

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/hv  
Enclosure

Claude J. Downey  
994 Joe's Branch Road  
P. O. Box 108  
Pleasureville, KY 40057

Honorable Dorothy J. Chambers  
General Attorney  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY 40232

Honorable William J. Ellenberg,  
Thomas B. Alexander, General Attorney  
BELLSOUTH TELECOMMUNICATIONS, INC.  
Suite 4300 BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375 0001

Mr. David Bannister  
Parsons  
1535 Twilight Trail  
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 99-019
	)	
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

O R D E R

IT IS HEREBY ORDERED that any party desiring a public hearing in this matter shall file, within 10 days of the date of this Order, a written request for a hearing. If no such request is made, the case shall stand submitted to the Commission for a decision.

Done at Frankfort, Kentucky, this 22nd day of April, 1999.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KENTUCKY 40602  
www.psc.state.ky.us  
(502) 564-3940  
Fax (502) 564-3460

**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

March 30, 1999

Claude Jeffrey Downey  
994 Joe's Branch Road  
P.O. Box 108  
Pleasureville, KY 40057

Joan Duncan  
BellSouth Telecommunications, Inc.  
P.O. Box 32410  
Louisville, KY 40232

Hon. Dorothy J. Chambers  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
P.O. Box 32410  
Louisville, KY 40232

David Bannister  
Parsons  
1535 Twilight Trail  
Frankfort, KY 40601

RE: Case No. 99-019  
Claude Jeffery Downey v. BellSouth Telecommunications, Inc.

Dear Ladies and Gentlemen:

Attached is a copy of the memorandum which is being filed into the record of the above-referenced case. If you have any comments that you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. Should you have any questions regarding same, please contact Jouett Kinney at (502) 564-3940.

Sincerely,

Helen C. Helton  
Executive Director

Attachment



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

**INTRA-AGENCY MEMORANDUM**

**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Main Case File  
Case No. 99-019  
Claude Jeffrey Downey v. BellSouth Telecommunications, Inc.

**FROM:** Jouett Kinney *JJK*  
Staff Attorney, Consumer Services

**DATE:** March 30, 1999

**RE:** Informal Conference

Pursuant to the Commission's Order dated March 12, 1999, an informal conference was held at the Complainant's residence on March 26, 1999. The attached list contains the names of the individuals in attendance.

The purpose of this meeting was to discuss the construction plan and costs for serving Mr. Downey as submitted by BellSouth in its Answer filed on February 18, 1999. According to BellSouth's Answer, the customer is being charged \$1,312.56 for the construction costs of extending service to him. The amount includes 750 feet of rural C wire, 250 feet of buried wire and trenching costs, three telephone poles, and one guy and wire.

BellSouth's engineer, David Bannister, explained that he initially considered two routes for serving Mr. Downey. He stated that the route chosen and for which the construction charges were calculated is the least expensive means of serving Mr. Downey. The proposed plan, as described in the Answer, involves running a rural C wire from the nearest BellSouth facility approximately 3,673 feet from Mr. Downey's home. According to Mr. Bannister, the construction cost for the entire project exceeds \$5,000 dollars, including the 3,673 feet of wire (at \$0.485 per foot) and 15 telephone poles (at approximately \$300 per pole). Because there is a possibility that other customers may benefit from the extension of service to Mr. Downey, however, BellSouth considers the first 2,173 feet as "service in general" and will bear the cost of this portion of the extension. BellSouth will also provide an additional 750 feet of the extension free of charge in accordance with 807 KAR 5:061, Section 8 and BellSouth's

Section 8 and BellSouth's tariff. In total, BellSouth is providing 2,923 feet of the extension, including 12 of the 15 poles, at no charge to Mr. Downey.

The parties and staff also discussed the possibility of future refunds to Mr. Downey should other customers connect to the portion of the extension for which he paid. Upon subsequent consideration of Commission regulations, it appears that such a refund, if any, would be made pursuant to 807 KAR 5:062, Section 8.

Attachment

cc: Parties of Record



March 26, 1998

Downey v. BellSouth 98-019

Informal Conference

Attended:

Janet Kinney  
David Bennett  
Joan Duran  
Dorothy Chambers  
Charles Jeffrey Downey  
Tom Marshall

PSC staff  
Kerson's  
Regulatory - BST  
BST - Legal  
P.S.C.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

March 12, 1999

Claude Jeffrey  
994 Joe's Branch Road  
P. O. Box 108  
Pleasureville, KY. 40057

Honorable Dorothy J. Chambers  
General Attorney  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY. 40232

Honorable William J. Ellenberg,  
Thomas B. Alexander, General Attorney  
BELLSOUTH TELECOMMUNICATIONS, INC.  
Suite 4300 BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA. 30375 0001

RE: Case No. 99-019

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/sa  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 99-019
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

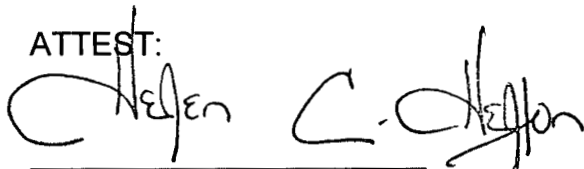
O R D E R

On its own motion and finding that an informal conference may expedite resolution of this matter, the Commission HEREBY ORDERS that an informal conference will be held on March 26, 1999, at 10:00 a.m., Eastern Standard Time, at the Complainant's residence, 994 Joe's Branch Road, Pleasureville, Kentucky, for the purpose of discussing the matters at issue in this complaint.

Done at Frankfort, Kentucky, this 12th day of March 1999.

By the Commission

ATTEST:



Executive Director

*kinney  
stack*



**BellSouth Telecommunications, Inc.** 502 582-1475  
P.O. Box 32410 Fax 502 582-1573  
Louisville, Kentucky 40232 Internet  
Dorothy.J.Chambers@bridge.bellsouth.com

**Dorothy J. Chambers**  
General Attorney

or  
**BellSouth Telecommunications, Inc.**  
601 West Chestnut Street, Room 407  
Louisville, Kentucky 40203

February 17, 1999

RECEIVED  
FEB 18 1999  
PUBLIC SERVICE  
COMMISSION

Helen C. Helton  
Executive Director  
Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, KY 40602

Re: Claude Jeffrey Downey, Complainant, v. BellSouth  
Telecommunications, Inc. Defendant  
PSC 99-019

Dear Helen:

Enclosed for filing in the above-captioned case are the  
original and ten (10) copies of Answer of BellSouth  
Telecommunications, Inc.

Sincerely,  
  
Dorothy J. Chambers

Enclosure

cc: Party of Record

151873

COMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY	)	
	)	
Complainant	)	
	)	
v.	)	CASE NO. 99-019
	)	
BELLSOUTH TELECOMMUNICATIONS,	)	
INC.	)	
	)	
	)	
Defendant	)	

ANSWER OF BELLSOUTH TELECOMMUNICATIONS, INC.

BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, hereby responds to the complaint of Claude Jeffrey Downey ("Downey").

Mr. Downey alleges that he ordered telephone service from BellSouth and he was not advised of additional charges for the service to be provided to his house until a technician visited and advised there probably would be additional charges. Mr. Downey claims that the technician suggested that in cases like his, the charges sometimes have been dropped after appeal. Mr. Downey states the front of his house sits 55 feet from the center of a county-maintained road. After BellSouth's engineer visited, Mr. Downey states he received a bill dated 11-2-98 for \$1,312.56.

Mr. Downey further alleges that the population density in the area is more than adequate with nine houses already in

existence; he also alleges that one house is being built 800 feet from his house and that there is a public elementary school 1.4 miles from his house. Mr. Downey also states that there are electric utility lines and a pole approximately 20 feet from the back of his house that could be used to provide him telephone service, but Mr. Downey claims that a representative of Shelby Energy Cooperative stated that sharing and cooperation of the utilities often is not done because of all the "red tape" involved.

Mr. Downey further alleges that BellSouth has made his receiving 911 service cost prohibitive. Mr. Downey requests that the construction charge of \$1,312.56 be dropped.

BellSouth received Mr. Downey's order for telephone service on October 22, 1998. A technician was dispatched on October 26. At that time the order was referred to engineering for a field visit and possible construction charges pursuant to General Subscriber Services Tariff A5.

On November 2, 1998, a construction charge notice in the amount of \$1,312.56 was sent to Mr. Downey. On December 1, 1998, BellSouth was advised that Mr. Downey was appealing the construction charges. A BellSouth engineer contacted Mr. Downey to explain further the additional charges. This matter has been referred to BellSouth's Regulatory Department for investigation. BellSouth made another field visit on February 5, 1999.

BellSouth's investigation of this matter reveals that the quoted construction charges are properly applicable to this customer. The pertinent provisions of the tariff state:

A maximum of 750 feet of cable or wire facilities which are required for central office circuits will be provided at no additional charge. Except as otherwise specified, construction charges may apply for all other cable or wire facilities provided in connection with pole line entrance facilities. Ownership and maintenance of all cable and wire facilities provided either with or without construction charges is vested in the Company.

General Subscriber Services Tariff A5.1.3.B.3.

Mr. Downey is located in BellSouth's Eminence exchange and his residence is more than 750 feet from BellSouth's facilities. In order to serve this customer, the Company will have to build a new pole route, including 3,673 feet of wire. BellSouth is billing this customer only for 750 feet of the 3,673 feet. BellSouth has considered the first 2,173 feet not billable to this customer, but rather to provide "service in general" that is, that it would benefit other customers; another 750 feet is not billed pursuant to the A5 tariff. See attached sketch. In addition to the 750 feet of aerial facilities for which this customer has been billed, 250 feet of buried facilities and associated trenching costs, three telephone poles, one guy and one anchor are required to be constructed to serve this customer.

Although there is an electric route in place, as the Complainant states, this electric route is not being utilized for this customer's requested service. However, this is not because

of "red tape" between utilities, but rather because it would be more expensive and thus more costly to Mr. Downey to provide him telephone service via the electric route. The electric route runs cross-country and is farther away from BellSouth's facilities than providing service as shown in the attached sketch.

Also, Mr. Downey is correct that a neighbor is building a house nearby. However, Mr. Downey's closest neighbor, Mr. Burba, is building a weekend cabin. Mr. Burba does not have telephone service and he has advised BellSouth that he has no desire for telephone service at this time.

Mr. Downey also has suggested that the closest elementary school is 1.4 miles from his home and that there are eight houses between Mr. Downey's residence and the school. However, BellSouth has confirmed that its customers near the school are served from a cable. BellSouth has calculated the distance facilities would need to be constructed from this termination point to Mr. Downey's residence. In accordance with the provisions of the A5 tariff, BellSouth has not included in the construction charges quoted to Mr. Downey the first 750 feet of these facilities; nor has BellSouth included in the construction charges an additional 2,173 feet because there are other customers at those locations.

In other words, the construction charges quoted to Mr. Downey do not include charges for constructing the first 2,923



feet of facilities (2,173 feet because it may provide "service in general", plus 750 feet which are provided at no additional charge per the A5 tariff). Thus, Mr. Downey's concerns regarding population density and "service in general" already have been considered and credited in BellSouth's calculations.

BellSouth also has considered the alternative of placing the facilities completely underground. However, BellSouth's engineers have determined that buried facilities are not feasible because Mr. Downey lives on a one-lane country road with rock on one side and a cliff on the other side. Accordingly, an aerial route is the only viable option.

BellSouth has carefully reviewed this case and concluded the quoted construction charges are appropriate. There is only one potential customer (Mr. Downey) in the area. There is no flat land in this area. No other orders for service have been placed by customers in this area. There is no water service. There is no sewer service. As noted on the attached sketch, the closest house is 1,500 feet from Mr. Downey's residence. (Although Mr. Downey claims the house being built is 800 feet from the Downey residence, BellSouth's measurements, as shown on the sketch, indicate it is 1500 feet away.) The next residence on this road is one mile beyond Mr. Downey. The terrain in this area is extremely hilly and not conducive to residential development. With the absence of water service and sewer service, further

residential development appears very unlikely at the present time.

On December 3, 1998, BellSouth's representative discussed the matter with Mr. Downey, advising that pursuant to tariffs approved by the Kentucky Public Service Commission construction charges are applicable when a customer is located more than 750 feet from BellSouth's facilities, which is Mr. Downey's case. In response to Mr. Downey's suggestion that if another customer obtains service from the line that was used to serve Mr. Downey, as BellSouth's representatives have advised Mr. Downey, he would not be reimbursed because he would be served via a rural C wire, not a cable, which could be used to serve future customers. Any customer in a situation similar to Mr. Downey's situation also would be served via a rural C wire and would be required to pay construction charges as well. Thus, the construction charges quoted to Mr. Downey are properly applicable.

For the foregoing reasons, BellSouth respectfully requests that the complaint be dismissed.

If the Commission feels that any further information on this matter would assist in its determination in this case, BellSouth would be happy to make an engineer available to meet on site with

a representative of the Commission and with this customer to provide any further information.

Respectfully submitted,

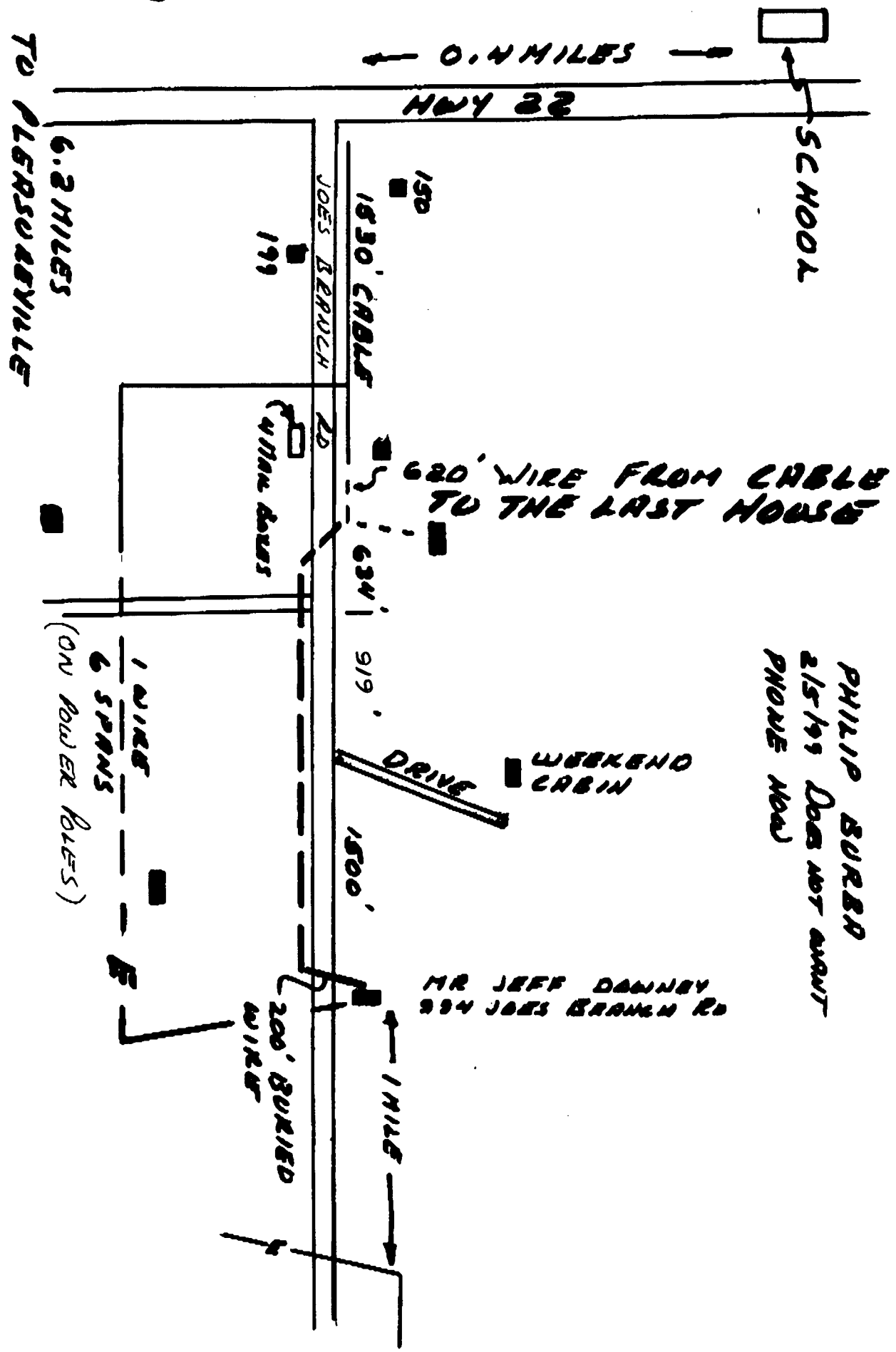


Dorothy J. Chambers  
General Attorney  
601 West Chestnut Street, Room 407  
P. O. Box 32410  
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Telephone No.: (502) 582-1475

William J. Ellenberg, II  
Thomas B. Alexander  
General Attorneys  
Suite 4300 BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375-0001  
Telephone No.: (404) 335-0750

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

150115



0.4 MILES

MAY 22

SCHOOL

TO ALGORVILLE

6.2 MILES

JOES BRANCH

1830' CABLE

150

199

WITH DOORS

620' WIRE FROM CABLE TO THE LAST HOUSE

634'

919'

DRIVE

WEEKEND CABIN

1500'

1 WIRE 6 SPANS (ON POWER POLES)

PHILIP BURRO  
215 199 Does NOT WANT  
PHONE NOW

MR JEFF DAWNEY  
224 JOES BRANCH RD

200' BURIED  
WIRE

1 MILE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the individuals on the attached Service List by mailing a copy thereof, this 17th day of February 1999.

  
Creighton E. Mershon, Sr.

SERVICE LIST - PSC 99-019

Claude Jeffrey Downey  
994 Joe's Branch Road  
P. O. Box 108  
Pleasureville, KY. 40057



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
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February 9, 1999

Claude Jeffrey  
994 Joes's Branch Road  
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Fred Gerwing  
Regulatory Vice President  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 408  
P. O. Box 32410  
Louisville, KY. 40232

RE: Case No. 99-019

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

*Stephanie J. Bell*  
Stephanie Bell  
Secretary of the Commission

SB/sa  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY )

COMPLAINANT )

v. )

CASE NO. 99-019 )

BELLSOUTH TELECOMMUNICATIONS, INC. )

DEFENDANT )

O R D E R

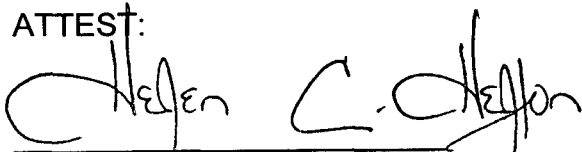
BellSouth Telecommunications, Inc. ("BellSouth") has moved for an extension of time in which to submit its response to the Commission's January 26, 1999 Order to Satisfy or Answer the complaint. The Commission finds that the motion should be granted.

IT IS THEREFORE ORDERED that BellSouth's motion is granted and its response to the Commission's January 26, 1999 Order is now due February 19, 1999.

Done at Frankfort, Kentucky, this 9th day of February, 1999.

By the Commission

ATTEST:



Executive Director



BellSouth Telecommunications, Inc.  
P.O. Box 32410  
Louisville, Kentucky 40232

502 582-1475  
Fax 502 582-1573  
Internet  
Dorothy.J.Chambers@bridge.bellsouth.com

Dorothy J. Chambers  
General Attorney

February 5, 1999

or  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
Louisville, Kentucky 40203

RECEIVED

FEB 05 1999

PUBLIC SERVICE  
COMMISSION

Helen C. Helton  
Executive Director  
Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, KY 40602

Re: Claude Jeffrey Downey, Complainant, v. BellSouth Telecommunications,  
Inc., Defendant  
PSC 99-019

Dear Helen:

Enclosed for filing in the above-captioned cases are the original and ten (10)  
copies of the Motion of BellSouth Telecommunications, Inc., for Extension of Time.

Sincerely,

  
Dorothy J. Chambers

Enclosure

cc: Party of Record

COMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 05 1999

PUBLIC SERVICE  
COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY )  
 )  
 Complainant )  
 )  
 v. )  
 )  
 BELLSOUTH TELECOMMUNICATIONS, )  
 INC. )  
 )  
 )  
 Defendant )

CASE NO. 99-019

MOTION OF BELLSOUTH TELECOMMUNICATIONS, INC.  
FOR EXTENSION OF TIME

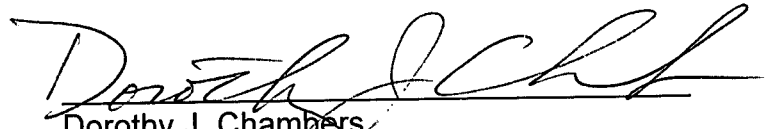
BellSouth Telecommunications, Inc. ("BellSouth"), by counsel moves the Commission for an extension of time to and including February 19, 1999, to respond to the Commission's January 26, 1999, Order to Satisfy or Answer the Complaint in this case. In support of its motion, BellSouth states:

BellSouth states that in order to fully inform the Commission of all the facts in this case, it is necessary for BellSouth to make another field visit to the area. BellSouth expects to make the visit in the next few days and will respond to the Commission's Order to Satisfy or Answer on or before February 19, 1999.

This request is not made for the purpose of delay.

For the foregoing reasons, BellSouth requests that its Motion for an Extension of Time to February 19, 1999, be granted.

Respectfully submitted,



Dorothy J. Chambers  
General Attorney  
601 West Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY 40232  
Telephone No.: (502) 582-1475

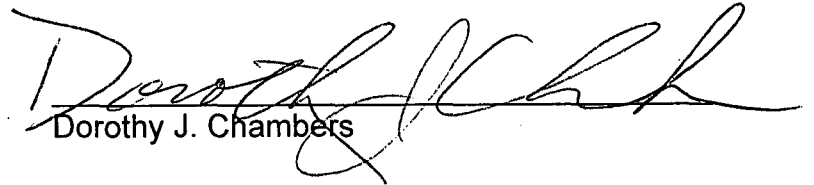
William J. Ellenberg, II  
Thomas B. Alexander  
General Attorneys  
Suite 4300 BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375-0001  
Telephone No.: (404) 335-0750

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

150603

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the individual on the attached Service List by mailing a copy thereof this 5th day of February, 1999.

  
Dorothy J. Chambers

SERVICE LIST – PSC 99-019

Claude Jeffrey Downey  
994 Joe's Branch Road  
P. O. Box 108  
Pleasureville, KY. 40057



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

January 26, 1999

Claude Jeffrey  
994 Joes's Branch Road  
P. O. Box 108  
Pleasureville, KY. 40057

Fred Gerwing  
Regulatory Vice President  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 408  
P. O. Box 32410  
Louisville, KY. 40232

RE: Case No. 99-019

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie J. Bell".

Stephanie Bell  
Secretary of the Commission

SB/sa  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLAUDE JEFFREY DOWNEY	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 99-019
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

BellSouth Telecommunications, Inc. ("BellSouth") is hereby notified that it has been named as defendant in a formal complaint filed on January 20, 1999, a copy of which is attached hereto.

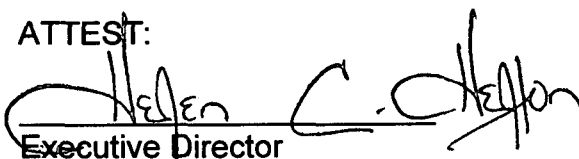
Pursuant to 807 KAR 5:001, Section 12, BellSouth is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 26th day of January, 1999.

By the Commission

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
JAN 20 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

Claude Jeffrey Downey

COMPLAINANT

v.

Bell South

DEFENDANT

99-019

C O M P L A I N T

The complaint of Claude Jeffrey Downey respectfully shows:

- (a) Claude Jeffrey Downey  
994 Joe's Branch Rd.  
P.O. Box 108  
Pleasureville, KY 40057
- (b) Bell South  
125 Perimeter Center West  
Atlanta, GA 30346
- (c) That: I requested telephone service from Bell South. The operator proceeded to take my order and gave me a telephone number for the address at 994 Joe's Branch Rd. Pleasureville, KY 40057. The telephone number of 502-845-1435 was given to me as my new telephone number. The operator taking the order stated that the technician would be out on the following week to install the telephone. There was no mention of any additional costs beyond the normal cost to install a residential telephone line.



Claude Jeffrey Downey v. Bell South

The technician did show up as expected. When he arrived he surveyed the situation and stated that telephone wires would need to be ran to the residence. He stated that the engineer would be out within two weeks. While discussing the situation with him he brought it to my attention that there may be additional costs for these wires. However in his view, to the fact that I lived on a county maintained road, many times these costs were dropped after an appeal. I feel if these costs have ever been overridden then I have the same right.

Next the engineer , David Bannister, came and viewed the situation. I received a bill from Bell South dated 11/02/1998 for the sum of \$1312.56. I found this to be an outrageous sum of money for a residential telephone line. I then proceeded to contact David Bannister. I asked him who to appeal this to and he stated that he did not know. Also I expressed to him that I thought the amount to be excessive for a telephone and he agreeded and suggested that I get a cellular telephone. I have had cellular telephone service in the past. It is not completely reliable yet. Also to connect to the Internet by cell phone is not a good situation.

At this point I called customer service to find out who to appeal this complaint to. This went on for about a month. No one seemed to know how to handle this situation. Finally someone came to the realization that I needed to speak to a MS. Sandy Roland.

Formal Complaint  
Page 3

Claude Jeffrey Downey v. Bell South

Upon calling her office I have yet speak to her. However I have talked to a number of people in her office. Apparently my case had been turned over to a MS. Duncan.

When speaking to MS. Duncan, she approached me in a very friendly manner and suggested that Bell South would need more than one customer in the area to override the installation cost to me.

At this point I realized Bell South must be in need of more customers and needed help in their marketing department.

It just so happened that I have a neighbor who is building a home and has a new easment over the property at 994 Joe's Branch Rd.

I also felt from this discussion wtih MS. Duncan that Bell South was interested in population densities. At this point I drove from my house to the closest Public Elementary School which is 1.4 miles from my house. In this distance there are eight houses not including mine, plus the house being built , and the Public Elementary School. I feel this to be a more than adequate population density. I also drove many other roads and found population densities to be at 4 to 5 houses for each 1.4 miles.

I called Ms. Duncan back with these facts. She was not friendly in her manner this time. She stated, "Mr. Downey we can not help you." At this point I realized it was no longer possible to talk to Bell South and it's employees.

Claude Jeffrey Downey v. Bell South

Now I had to get the Public Service Commission involved. This at first also seemed to be a problem. After calling the Public Service Commission they expressed that they would get in touch with MS. Duncan. When I asked her if she had received any notice from them, she seemed frustrated and said NO. I then called the Public Utilities Commission back and they assured me that they had sent a notice to her. I doubted everyone at this point. This is when I knew I would have to do a formal complaint.

During the time since this ordeal has begun, the Shelby Energy Cooperative has come to cut the easement for my neighbor. As I talked to the staking technician I brought up this situation with him. He stated that Bell South can use their poles. He also stated that many times the utility companies can't cooperate and share facilities because of the red tape involved. I as a customer should not have to pay for this inability of the utility companies.

Another issue came to mind, as I thought about this situation. I, as a taxpayer am entitled to 911 service. This is a service that everyone has an entitlement to. At this point Bell South is making it cost prohibitive for me to receive this service. This is an appeal about the service and treatment that Bell South gives it's customers.

Formal Complaint  
Page 5

Claude Jeffrey Downey v. Bell South

When reviewing this case keep in mind the following key points.

- 1) As a taxpayer, I have a right to 911 service.
- 2) Electric Utility lines and a pole are already in existence at the house. The pole sits approximately 20 feet from the back of the house.
- 3) The front of the house sits 55 feet from the center of a county maintained road.
- 4) There is growth in the area as evidence from the house being built 800 feet from mine.
- 5) A Public Elementary school is only 1.4 miles from my house.
- 6) I believe the population density to be more than adequate in this area with nine houses already in existence. One is being built and the Public Elementary School.
- 7) The customer should not suffer a financial loss at the expense of red tape among utility companies
- 8) If a similar situation has existed previously, and I believe it has, then I deserve to have these costs dropped also.

Wherefore, complainant asks The additional construction costs of \$1312.56 be dropped.

Dated at Pleasureville, Kentucky, this 19<sup>th</sup> day of January, 1999.

Claude Jeffrey Downey 1/19/1999  
Claude Jeffrey Downey

994 Joe's Branch Rd.

Box 108

Pleasureville, KY 40057



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

January 22, 1999

Claude Jeffrey  
994 Joes's Branch Road  
P. O. Box 108  
Pleasureville, KY. 40057

Fred Gerwing  
Regulatory Vice President  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 408  
P. O. Box 32410  
Louisville, KY. 40232

RE: Case No. 99-019  
BELLSOUTH LONG DISTANCE, INC.  
(Complaints - Rates, Service) OF CLAUDE JEFFREY DOWNEY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received January 20, 1999 and has been assigned Case No. 99-019. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc

99-00048

*BJ*

RECEIVED  
JAN 20 1999  
PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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Claude Jeffrey Downey

COMPLAINANT

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*Case*

*99-019*

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Formal Complaint  
Page 2

Claude Jeffrey Downey v. Bell South

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Formal Complaint

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Box 108

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