

CASE

NUMBER:

99 - 4/60

HISTORY INDEX FOR CASE: 1999-460
VERIZON SOUTH, INC.
Complaints - Service
JERRY & RITA DOWDY-LONG DISTANCE SERVICE

IN THE MATTER OF RITA DOWDY, INDIVIDUALLY AND AS AGENT FOR
HUSBAND JERRY DOWDY 950 UPPER SMITHS GROVE ROAD SMITHS GROVE
KENTUCKY 42171 COMPLAINTANT VS. GTE TELEPHONE DEFENDANT

SEQ NBR	ENTRY DATE	REMARKS
M0001	10/25/1999	RITA DOWDY CITIZEN-LETTER OF CONCERN TO PHONE SERVICE
0001	11/10/1999	Complaint
0002	11/15/1999	Acknowledgement letter.
0003	11/24/1999	Order to Satisfy or Answer; info due 12/16
0004	12/03/1999	Response sent to Jerry and Rita Dowdy re: protest and petition.
M0002	12/06/1999	GTE LARRY CALLISON-ANSWER TO COMPLAINT
M0003	02/01/2000	RITA DOWDY CITIZEN-LETTER OF CONCERN TO PHONE SERVICE
0005	04/10/2000	FINAL ORDER DISMISSING COMPLAINT



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-460
GTE SOUTH, 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 April 10, 2000.

See attached parties of record.

Stephanie J. Bell

Secretary of the Commission

SB/sa
Enclosure

Larry D. Callison
State Manager-Regulatory Affairs
GTE South, Inc.
150 Rojay Drive
KY10H072
Lexington, KY. 40503

Rita & Jerry Dowdy
950 Upper Smiths Grove Road
Smiths Grove, KY. 42171

Honorable Jeffrey J. Yost
Attorney for GTE South
Jackson & Kelly
175 East Main Street, Suite 500
P.O. Box 2150
Lexington, KY. 40595 2150

Honorable Richard D. Gary
Honorable Gregory M. Romano
County for GTE South
Hunton & Williams
Riverfront Plaza - East Tower
951 E. Byrd Street
Richmond, VA. 23219

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RITA DOWDY)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 99-460
)	
GTE SOUTH INCORPORATED)	
)	
)	
DEFENDANT)	

O R D E R

On November 7, 1999, Rita Dowdy, a resident of Smiths Grove served by Park City exchange, filed a formal complaint against GTE South Incorporated ("GTE South") because she is unable to obtain GTE South service through the Smiths Grove exchange and thereby have local calling to areas in Warren, Barren and Edmonson counties served by GTE South through the Smiths Grove exchange. Ms. Dowdy alleges that a number of her neighbors also wish to obtain service from GTE South through the Smiths Grove exchange rather than the Park City exchange and have not been permitted to do so. Ms. Dowdy states that she does business in Warren County and has relatives in adjoining areas. Ms. Dowdy asserts that granting her request would not constitute a problem because of her proximity to GTE South's telephone lines. Ms. Dowdy does not allege that the service provided through the Park City exchange is inadequate in any way other than that its local calling area is not the one

she prefers. GTE South responded to the Complaint on December 6, 1999, asserting that its refusal to accommodate Ms. Dowdy's request violates no law.

For the reasons discussed below, the Commission finds that the complaint fails to state a *prima facie* case and should therefore be dismissed.

As the Franklin Circuit Court and the Commission previously have found, a desire for a local calling area other than the one offered by one's local exchange carrier does not render that carrier's service "inadequate" so as to justify action on a complaint pursuant to KRS 278.269.¹ Complaints similar to that of Ms. Dowdy have been filed before. For example, in response to complaints of Rochester residents that they wanted a local calling area other than that offered by the carrier that served their exchange,² the Commission ordered Southern Bell Telephone and Telegraph Company ("Southern Bell"), the adjacent local carrier, to serve the complainants' exchange. The Franklin Circuit Court, however, in Logan Co. Rural Telephone Coop. Corp. v. Public Service Commission, Civil Action No. 61507 (Memorandum dated December 21, 1963, Order and Judgment dated December 27, 1963), set aside the Commission's Order. In its Memorandum, the court noted, *inter alia*, that no inadequacy of service had been shown. The circumstances here are similar: Ms. Dowdy alleges no inadequacy of service.

¹ See Case No. 99-430, Tommy Lee Pendley v. Logan Telephone Cooperative, Inc. and South Central Bell Telephone Company, Order dated June 15, 1995, and citations therein.

² Case No. 3963, Estill Knight v. Southern Bell Telephone and Telegraph Company and Logan County Rural Telephone Cooperative Corporation, Order dated August 21, 1961.

The Commission is not insensitive to Ms. Dowdy's concerns, or to those of others who desire local calling to areas other than those offered by their local exchange carriers. Nevertheless, the Commission is required to recognize that its decisions in such matters do not take place in a vacuum. In Administrative Case No. 218,³ Order dated February 21, 1980, the Commission stated, "The establishment of telephone boundary lines is absolutely necessary to allow economical and efficient communication system planning ... once established, the integrity of boundary lines must be observed by both the telephone utilities and by telephone subscribers, except in those instances where, upon application by the utility, a deviation is granted by the Commission for good cause shown...." In other words, considerations of economy and policy dictate that deviations be granted only when a utility so requests, offering evidence regarding potential adverse impact as well as of exceptional circumstances that justify the deviation. However, although the relief requested cannot be granted on the basis of Ms. Dowdy's complaint, the Commission recommends that GTE South review the issues presented herein and consider the feasibility of realigning its exchanges in this area.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. Complainant has failed to state a *prima facie* case upon which the Commission can offer relief.

³ Administrative Case No. 218, In the Matter of Telephone Utility Exchange Boundaries.

2. A hearing in this matter is not necessary in the public interest or for the protection of substantial rights, and this Complaint should be dismissed without a hearing.

IT IS THEREFORE ORDERED that the complaint herein be and it is hereby dismissed with prejudice.

Done at Frankfort, Kentucky, this 10th day of April, 2000.

By the Commission

ATTEST:


Executive Director

RECEIVED
FEB 01 2000
PUBLIC SERVICE
COMMISSION

Monday, January 17, 2000

To:
Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, Kentucky 40602

From:
Rita Dowdy
950 Upper Smiths Grove Rd
Smiths Grove, KY 42171
(270) 749-9883

Re: In the Matter of: Rita Dowdy, Complainant v. GTE South Incorporated,
Defendent - Case No. 99-460

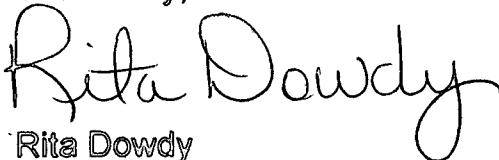
Dear Ms. Helton:

I have received a copy of the letter sent to you from GTE South Incorporated. The following is my response.

I still believe completely that GTE South should be held totally and completely responsible for misleading my husband and myself about our long distance service. GTE should have to make this right by changing our phone number back to (270) 563-0063. This is the number we were told we would have if we built at this location.

In the unlikely event the Public Service Commission rules against changing our exchange back to Smiths Grove, I would like to respectfully ask for a hearing on this matter in the near future.

Yours truly,



Rita Dowdy

cc: GTE Telephone
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
FEB 01 2000
PUBLIC SERVICE
COMMISSION

In the matter of:

Rita Dowdy, Individually and as Agent for husband
Jerry Dowdy v. GTE TELEPHONE


1. GTE Telephone had no response to this statement. I however, want to reiterate that because I run a small business from home and my husband works in Bowling Green, we do use the telephone to a greater degree than most households.
2. GTE Telephone had no response to this statement other than to admit that they originally gave me the telephone number: (270) 563-0063. I would like to add that this is the primary reason that my husband and I decided to buy this property and build here. We looked at other land, outside of Smiths Grove, but our number one priority in buying property was to have a non long-distance phone number to Bowling Green, KY.
3. GTE Telephone had no response to this statement. I want to reiterate the fact that we could have bought other land in Warren county, had we known we would not be in the Smiths Grove exchange where we bought and built.
4. GTE Telephone had no response to this statement. I stand by the statement I made in my original complaint. There are other households further into Edmonson county (not under the grandfather clause) that have Smiths Grove telephone numbers. This is another reason I feel GTE Telephone should have to be true to their word, the Smiths Grove telephone line obviously runs right in front of our house.
5. GTE Telephone only states that it did give me the phone number of (270) 563-0063. I want to reiterate that I did indeed phone GTE on three separate occasions, and talked to three different operators and was "assured" that my phone number would not change, if I built a house on the property I intended to buy. This in turn was the major reason that my husband and I bought this property and built on it.

6. GTE Telephone denies that manager Joe Miller advised me that Smiths Grove long distance service was not available under rules and regulations promulgated by the Public Service Commission. At the time that my phone was hooked up we did not have "extended calling plans" available to Park City customers.

7. GTE Telephone denies that we were faced with the alternative of no long-distance service. This is correct. I did not word that paragraph correctly. I meant to say that I would have been forced to use long distance for every call I make, putting severe financial hardship on my family. My apologies for this mistake.

8. GTE Telephone had no response to the statement that my husband and I feel we were misled, suffered financial loss and suffer anxiety as to whether or not I can continue in running my business. They do however state that if I were served by a Smiths Grove number and I called 911 in an emergency that I would not get a response from Warren county. This is completely false. I have in the past called Smiths Grove police and gotten a quick response. I pay yearly dues to the Smiths Grove fire department (because I live in Smiths Grove). I cannot depend on Brownsville fire department because they are over 15 miles away with access on very hilly roads. GTE Telephone further states that I signed up for their extended calling plan on October 28, 1999. We felt that we had no choice, as it was a heavy burden to try to keep our phone usage down. Extended calling plan is extremely expensive at a cost of 36.95 per month.

Respectfully submitted,



Rita Dowdy
(270) 749-9883

Larry D. Callison
State Manager
Regulatory Affairs & Tariffs



GTE Service
Corporation

KY10H072
150 Rojay Drive
Lexington, KY 40503
606 245-1389
Fax: 606 245-1721

December 6, 1999

Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, Kentucky 40602

RECEIVED

FEB 01 2000

PUBLIC SERVICE
COMMISSION

Re: In the Matter of: Rita Dowdy, Complainant v. GTE South
Incorporated, Defendant - Case No. 99-460

Dear Ms. Helton:

Enclosed for filing with the Kentucky Public Service Commission ("Commission") are an original and ten copies of the Answer of GTE South Incorporated ("GTE") in the above referenced matter.

Please bring this filing to the attention of the Commission, and should you have any questions, please do not hesitate to contact me at your convenience.

Yours truly,

A handwritten signature in cursive script that reads "Larry D. Callison".

Larry D. Callison

Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
FEB 01 2000
PUBLIC SERVICE
COMMISSION

In the matter of:

Rita Dowdy, Individually and)
as Agent for husband Jerry Dowdy)

_____)
COMPLAINANT)

vs.)

GTE TELEPHONE)

_____)
DEFENDANT)

Case No. 99-460

ANSWER

GTE South Incorporated ("GTE"), for answer to the Complaint in this proceeding,
respectfully states:

(a) That here follow specific responses to the allegations of Complainant, by
paragraph:

1. In response to Paragraph 1, GTE has no information or belief upon the subject
sufficient to enable it to answer.

2. In response to Paragraph 2, GTE has no information or belief upon the subject of
Complainant's reason for renting a house near Bowling Green sufficient to enable it to answer.

To the extent a further answer is required, GTE admits that Complainant was originally given the
telephone number (270)563-0063 as her likely assigned telephone number.

3. In response to Paragraph 3, GTE has no information or belief upon the subject
sufficient to enable it to answer.

4. In response to Paragraph 4, GTE has no information or belief upon the subject sufficient to enable it to answer.

5. In response to Paragraph 5, GTE has no information or belief upon Complainant's motivations for contacting GTE sufficient to enable it to answer. To the extent a further answer is required, GTE admits that Complainant was provided the telephone number (270)563-0063 as her preliminarily assigned number. This number would reflect local exchange service from the Smiths Grove exchange. GTE denies that it "assured" Complainant that Smiths Grove service would be provided as representatives are trained to always advise the customer that although a number is assigned at the time the order is placed, it is not a guarantee until the service is completed.

6. In response to Paragraph 6, GTE has no information or belief upon Complainant's motivations for why the house was constructed sufficient to enable it to answer. To the extent a further answer is required, GTE denies that Complainant was advised by GTE Manager Joe Miller that "Smiths Grove long-distance serve [sic] was not available under rules and regulations promulgated by the Public Service Commission." GTE does state, however, that Complainant was advised by Mr. Miller at the time telephone service was connected that local exchange service was to be provided to Complainant from the Park City, rather than the Smiths Grove, exchange.

7. In response to Paragraph 7, GTE denies that Complainant was "[f]aced with the alternative of no long-distance service."

8. In response to Paragraph 8, GTE has no information or belief upon the subject sufficient to enable it to answer. To the extent that an answer is required, GTE states that it is mandated by the regulations of the Public Service Commission of Kentucky to "observe the

integrity of the established exchange boundaries.” Order, *In the Matter of TELEPHONE UTILITIES EXCHANGE BOUNDARIES*, Administrative Case No. 218 (Feb. 21, 1980). 950 Upper Smiths Grove Road is located within the boundaries of the Park City exchange and GTE is required by law to serve it from that exchange. GTE further states that if Complainant were served by the Smiths Grove exchange and dialed 911 in an emergency, she would be connected to Warren County, which would not dispatch services to her location. Complainant’s current telephone number and exchange properly connects Complainant to the 911 service of the appropriate jurisdiction. GTE also states that Complainant signed up for “Park City Premium LCP” service on October 28, 1999, permitting Complainant to make unlimited calls to the Smiths Grove Exchange for a flat fee.¹

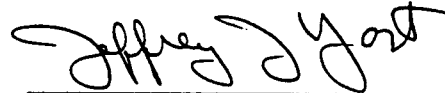
WHEREFORE, the defendant prays that the complaint be dismissed.

¹ The local calling plan providing this service was included in Tariff Filing No. T60-1044 and approved by the Commission on October 12, 1999.

December 6, 1999

Respectfully submitted,

GTE SOUTH INCORPORATED



Jeffrey J. Yost
JACKSON & KELLY
175 East Main Street, Suite 500
P.O. Box 2150
Lexington, KY 40595-2150
(606) 255-9500

Richard D. Gary
Gregory M. Romano
HUNTON & WILLIAMS
Riverfront Plaza – East Tower
951 E. Byrd Street
Richmond, Virginia 23219
(804) 788-8644

IT'S ATTORNEYS

Certificate of Service

I hereby certify that on this 6th day of December, 1999 a copy of the foregoing Answer was mailed, first-class, postage prepaid to the following:

Ms. Rita Dowdy
950 Upper Smiths Grove Road
Smiths Grove, Kentucky 42171

Randy D. Callison

Larry D. Callison
State Manager
Regulatory Affairs & Tariffs



**GTE Service
Corporation**

KY10H072
150 Rojay Drive
Lexington, KY 40503
606 245-1389
Fax: 606 245-1721

December 6, 1999

Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, Kentucky 40602

RECEIVED

DEC 06 1999

PUBLIC SERVICE
COMMISSION

Re: In the Matter of: Rita Dowdy, Complainant v. GTE South
Incorporated, Defendant - Case No. 99-460

Dear Ms. Helton:

Enclosed for filing with the Kentucky Public Service Commission ("Commission") are an original and ten copies of the Answer of GTE South Incorporated ("GTE") in the above referenced matter.

Please bring this filing to the attention of the Commission, and should you have any questions, please do not hesitate to contact me at your convenience.

Yours truly,

A handwritten signature in cursive script that reads "Larry D. Callison".

Larry D. Callison

Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
DEC 06 1999
PUBLIC SERVICE
COMMISSION

In the matter of:

Rita Dowdy, Individually and)
as Agent for husband Jerry Dowdy)
_____)
COMPLAINANT)
)
vs.)
)
GTE TELEPHONE)
_____)
DEFENDANT)

Case No. 99-460

ANSWER

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respectfully states:

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sufficient to enable it to answer.

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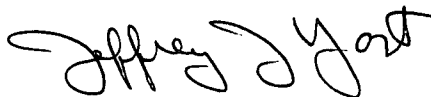
WHEREFORE, the defendant prays that the complaint be dismissed.

¹ The local calling plan providing this service was included in Tariff Filing No. T60-1044 and approved by the Commission on October 12, 1999.

December 6, 1999

Respectfully submitted,

GTE SOUTH INCORPORATED



Jeffrey J. Yost
JACKSON & KELLY
175 East Main Street, Suite 500
P.O. Box 2150
Lexington, KY 40595-2150
(606) 255-9500

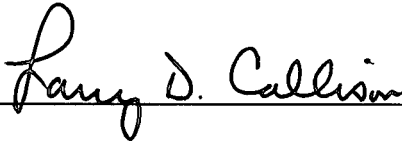
Richard D. Gary
Gregory M. Romano
HUNTON & WILLIAMS
Riverfront Plaza – East Tower
951 E. Byrd Street
Richmond, Virginia 23219
(804) 788-8644

IT'S ATTORNEYS

Certificate of Service

I hereby certify that on this 6th day of December, 1999 a copy of the foregoing Answer was mailed, first-class, postage prepaid to the following:

Ms. Rita Dowdy
950 Upper Smiths Grove Road
Smiths Grove, Kentucky 42171





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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

November 24, 1999

Larry D. Callison
State Manager-Regulatory Affairs
GTE South, Inc.
150 Rojay Drive
Lexington, KY. 40503

Rita & Jerry Dowdy
950 Upper Smiths Grove Road
Smiths Grove, KY. 42171

RE: Case No. 1999-460

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:

RITA DOWDY)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 99-460
)	
GTE SOUTH INCORPORATED)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

GTE South Incorporated ("GTE South") is hereby notified that it has been named as defendant in a formal complaint filed on November 10, 1999, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, GTE South 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 24th day of November, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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

November 15, 1999

Larry D. Callison
State Manager-Regulatory Affairs
GTE South, Inc.
150 Rojay Drive
Lexington, KY. 40503

Rita & Jerry Dowdy
950 Upper Smiths Grove Road
Smiths Grove, KY. 42171

RE: Case No. 99-460
GTE SOUTH, INC.
(Complaints - Service) LONG DISTANCE SERVICE

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received November 10, 1999 and has been assigned Case No. 99-460. 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,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/sh

RECEIVED

NOV 10 1999

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

RITA DOWDY AND HUSBAND JERRY DOWDY
950 UPPER SMITHS GROVE ROAD
SMITHS GROVE, KENTUCKY 42171

(Your Full Name)

COMPLAINANT

VS.

GTE TELEPHONE

(Name of Utility)

DEFENDANT

COMPLAINT

RECEIVED

NOV 15 1999

GENERAL COUNSEL

Case No. 99-4260

The complaint of _____ respectfully shows:

(Your Full Name)

(a)

(Your Full Name)

(Your Address)

(b)

(Name of Utility)

(Address of Utility)

(c)

That: _____

(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

Formal Complaint

_____ vs. _____

Page 2 of 2

Wherefore, complainant asks _____
(Specifically state the relief desired.)

Dated at _____, Kentucky, this _____ day
(Your City)

of _____, 19____.
(Month)

(Your Signature)

(Name and address of attorney, if any)

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
 - (b) Answer.
 - (c) Application.
 - (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
 - (3) Form of answer to formal complaint.
 - (4) Form of application.
 - (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant))
Complainant)
vs.) No. _____
(Insert name of each defendant)) (To be inserted by
Defendant) the secretary)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

- (a) That (here state name, occupation and post office address of each complainant).
- (b) That (here insert full name, occupation and post office address of each defendant).
- (c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day
of _____, 19 _____.

(Name of each complainant)

(Name and address of attorney,
if any)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

NOV 10 1999

NOV 10 1999

In the matter of:

Rita Dowdy, Individually and as Agent for)
husband Jerry Dowdy)
950 Upper Smiths Grove Road)
Smiths Grove, Kentucky 42171)

Case No. 99-460

COMPLAINANT

VS.

GTE TELEPHONE

DEFENDANT

C O M P L A I N T

The complaint of Rita Dowdy, Individually and as Agent for her husband Jerry Dowdy, residing at 950 Upper Smiths Grove Road, Smiths Grove, Kentucky 42171 against GTE Telephone, a Telephone Company operating within the jurisdiction of the Kentucky Public Service Commission and denying Complaint access to service through the Smiths Grove, Kentucky exchange, as per the following:

1. Complainant is engaged in the business of managing Oakes Spectacular Trains at the Greenwood Mall in Bowling Green, Kentucky. The business of Complainant usually and regularly entails use of substantial long-distance telephone service in connection with the scheduling of employees for work, arrangements for facilities and supplies and other aspects of the business. Complainant, to a much greater degree than the average telephone service user, relies upon affordable long-distance service. Additionally, Complainant's husband is employed by General Motors Corporation in Bowling Green, Kentucky and usually and regularly communicates regarding schedules for work and family purposes.
2. Desiring to locate in a family-attractive community near Bowling Green. Complainant and her husband rented a house in June, 1997 at 938 Upper Smiths Grove Road, paid the necessary deposit and obtained telephone Smiths Grove number (270) 563 0063. The Smiths Grove number permitted calls to Bowling Green without long distance charges, same being provided as part of the usual service of that exchange.

3. Complainant and her husband contemplated building a new house on the lot next door to their own or on another lot located in Oak~~land~~one, Kentucky. The assurance of available long-distance service at affordable rates was essential in considering the move.

4. Complainant and her husband, from residing in the rental house at 938 Upper Smiths Grove, knew that certain of the residences on Upper Smiths Grove Road were served out of the Park City, Kentucky, exchange, whereas others were served out of Smiths Grove. There was at least one residence, owned by Patricia Ratcliffe, located further distant from Smiths Grove Road but on Upper Smiths Grove Road, which received service from Smiths Grove but Complainant and her husband also knew of others served by Park City.

5. To insure that affordable long-distance service would be available after construction of a new house on the lot next door Complainant contacted the GTE Office on three separate occasions over a period of months and was assured that service out of Smiths Grove would be available if a new residence was constructed on the lot at 950 Upper Smiths Grove Road.

6. Relying upon the assurances given a house was constructed on or about July 28, 1999 but when the time came to hook up telephone service Complainant was advised by GTE Manager Joe Miller that Smiths Grove long-distance service was not available under rules and regulations promulgated by the Public Service Commission.

7. Faced with the alternative of no long-distance service which would have been financially disastrous and temporarily, pending appeal to the Public Service Commission, Complainant permitted hook-up to the Park City Exchange.

8. Complainant and her husband feel that they have been misled, that they have suffered financial loss, suffer anxiety as to whether or not she can continue in business and see redress in the form of connection to the Smiths Grove Exchange. Neighbors aware of their situation have signed a petition containing approximately 25 names sent to the Public Service Commission.

WHEREFORE Complainant respectfully demands that she have long-distance service through the Smiths Grove Exchange and such further

orders and relief as she may appear to be entitled to.

Dated at Smiths Grove, Kentucky this the 7th day of November,
1999.

Rita Dowdy

Rita Dowdy
Individually and as Agent for
husband Jerry Dowdy,
Attorney pro se
950 Upper Smiths Grove Road
Smiths Grove, Kentucky 42171

BJ

RECEIVED

NOV 10 1999

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

RITA DOWDY AND HUSBAND JERRY DOWDY
950 UPPER SMITHS GROVE ROAD
SMITHS GROVE, KENTUCKY 42171

(Your Full Name)

COMPLAINANT

VS.

GTE TELEPHONE

(Name of Utility)

DEFENDANT

Case No. 99-460

COMPLAINT

The complaint of _____ respectfully shows:
(Your Full Name)

(a) _____
(Your Full Name)

(Your Address)

(b) _____
(Name of Utility)

(Address of Utility)

(c) That: _____
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

Formal Complaint

_____ vs. _____

Page 2 of 2

Wherefore, complainant asks _____
(Specifically state the relief desired.)

Dated at _____, Kentucky, this _____ day
(Your City)

of _____, 19____.
(Month)

(Your Signature)

(Name and address of attorney, if any)

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant))
Complainant)
vs.) No. _____
(Insert name of each defendant)) (To be inserted by
Defendant) the secretary)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

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(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day
of _____, 19 _____.

(Name of each complainant)

(Name and address of attorney,
if any)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

REC-1110

NOV 10 1999

PUBLIC SERVICE
COMMISSION

In the matter of:

Rita Dowdy, Individually and as Agent for)
husband Jerry Dowdy)
950 Upper Smiths Grove Road)
Smiths Grove, Kentucky 42171)

Case No. 99-460

COMPLAINANT

VS.

GTE TELEPHONE

DEFENDANT

C O M P L A I N T

The complaint of Rita Dowdy, Individually and as Agent for her husband Jerry Dowdy, residing at 950 Upper Smiths Grove Road, Smiths Grove, Kentucky 42171 against GTE Telephone, a Telephone Company operating within the jurisdiction of the Kentucky Public Service Commission and denying Complaint access to service through the Smiths Grove, Kentucky exchange, as per the following:

1. Complainant is engaged in the business of managing Oakes Spectacular Trains at the Greenwood Mall in Bowling Green, Kentucky. The business of Complainant usually and regularly entails use of substantial long-distance telephone service in connection with the scheduling of employees for work, arrangements for facilities and supplies and other aspects of the business. Complainant, to a much greater degree than the average telephone service user, relies upon affordable long-distance service. Additionally, Complainant's husband is employed by General Motors Corporation in Bowling Green, Kentucky and usually and regularly communicates regarding schedules for work and family purposes.

2. Desiring to locate in a family-attractive community near Bowling Green. Complainant and her husband rented a house in June, 1997 at 938 Upper Smiths Grove Road, paid the necessary deposit and obtained telephone Smiths Grove number (270) 563 0063. The Smiths Grove number permitted calls to Bowling Green without long distance charges, same being provided as part of the usual service of that exchange.

3. Complainant and her husband contemplated building a new house on the lot next door to their own or on another lot located in Oakland, Kentucky. The assurance of available long-distance service at affordable rates was essential in considering the move.

4. Complainant and her husband, from residing in the rental house at 938 Upper Smiths Grove, knew that certain of the residences on Upper Smiths Grove Road were served out of the Park City, Kentucky, exchange, whereas others were served out of Smiths Grove. There was at least one residence, owned by Patricia Ratcliffe, located further distant from Smiths Grove Road but on Upper Smiths Grove Road, which received service from Smiths Grove but Complainant and her husband also knew of others served by Park City.

5. To insure that affordable long-distance service would be available after construction of a new house on the lot next door Complainant contacted the GTE Office on three separate occasions over a period of months and was assured that service out of Smiths Grove would be available if a new residence was constructed on the lot at 950 Upper Smiths Grove Road.

6. Relying upon the assurances given a house was constructed on or about July 28, 1999 but when the time came to hook up telephone service Complainant was advised by GTE Manager Joe Miller that Smiths Grove long-distance service was not available under rules and regulations promulgated by the Public Service Commission.

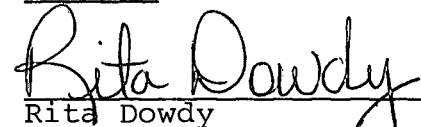
7. Faced with the alternative of no long-distance service which would have been financially disastrous and temporarily, pending appeal to the Public Service Commission, Complainant permitted hook-up to the Park City Exchange.

8. Complainant and her husband feel that they have been misled, that they have suffered financial loss, suffer anxiety as to whether or not she can continue in business and see redress in the form of connection to the Smiths Grove Exchange. Neighbors aware of their situation have signed a petition containing approximately 25 names sent to the Public Service Commission.

WHEREFORE Complainant respectfully demands that she have long-distance service through the Smiths Grove Exchange and such further

orders and relief as she may appear to be entitled to.

Dated at Smiths Grove, Kentucky this the 7th day of November,
1999.



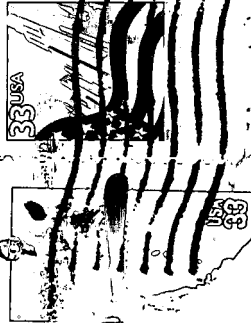
Rita Dowdy
Individually and as Agent for
husband Jerry Dowdy,
Attorney pro se
950 Upper Smiths Grove Road
Smiths Grove, Kentucky 42171

R. Dowdy
950 Upper Smiths Grove Road
Smiths Grove, Kentucky 42171

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602



SNOWBOARDING 1988



99-460

October 13, 1999

Helen C. Helton
PSC
P.O. Box 615
Frankfort, KY 40602

RECEIVED
OCT 25 1999
PUBLIC SERVICE
COMMISSION

Jerry and Rita Dowdy
950 Upper Smiths Grove Rd
Smiths Grove, KY 42171

Dear Ms. Helton:

I am writing in regard to a problem that my neighbors and I are facing in Smiths Grove. There is a small area of people who live in Smiths Grove, but are just over the Edmonson County line. Some of these people have Smiths Grove phone numbers and some of us have been assigned Park City numbers. Our address is Smiths Grove and we are residents of Smiths Grove. Keep in mind that the town of Smiths Grove is about 3 miles away and the town of Park City is around 15 miles away, in Barren county.

People with Smiths Grove numbers are able to phone anywhere in Smiths Grove, Bowling Green and a few other places without additional charges. People who have Park City phone numbers have massive long distance charges because *everything* is long distance. We cannot phone anyone in the town that we live in. We can't phone the pharmacy, the bank, city hall or the police without incurring long distance charges. Those of us that rely on the internet have to pay extra each month to hook to a Internet service because we cannot hook into a Bowling Green phone number.

Let me use myself as an example: I lived in a rental home at 938 Upper Smiths Grove Road (Edmonson county) for one year. I then built a new house at 950 Upper Smiths Grove Road (also Edmonson county). I moved approximately 75 ft. across the meadow CLOSER to Smiths Grove.

Before I ever bought the land I called GTE phone company three separate times and asked 3 separate operators if I would get to keep my Smiths Grove Phone number or if it would be a Park City number. I was assured all three times that it would be a Smiths Grove number. When I had my phone put in GTE would only give me a Park City number. However, when the new renters moved into our old house they were given a Smiths Grove number.

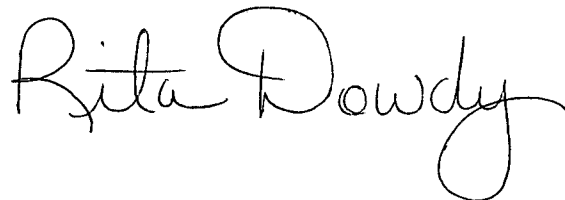
We know for sure that the Smiths Grove phone line runs down our road because of a number of families on our road have Smiths Grove numbers.

We have been told that in October those of us with Park City numbers will be eligible for an extended calling plan. We feel this will be a (very expensive at \$36.95 a month) asset to the people who live in Park City, however, we do NOT live in Park City and we want to be treated as residents of Smiths Grove.

We, as a group are asking for you to right this wrong. This is extremely important to us. I am enclosing a petition that the neighbors have signed asking for you to restore our Smiths Grove phone numbers.

Please reply at your earliest convenience. Feel free to phone me with any questions you may have. My phone number is (270) 749-9883.

Sincerely,

A handwritten signature in cursive script that reads "Rita Dowdy". The signature is written in black ink and is centered below the typed name.

We the undersigned live in Smiths Grove, Ky and would like to have a local Smiths Grove phone number. At this time we have Park City phone numbers which is long distance to call the city of Smiths Grove where we live.

Name	Address	Phone (optional)
<u>Jerry Dowdy (and family)</u>	<u>450 Upper Smiths Grove Rd Smiths Grove, Ky 42171</u>	<u>749-9883</u>
<u>Lawrence Stiffey</u>	<u>42171 8 Smiths Grove Ky. Rd. 534 Upper Smiths Grove</u>	<u>749-3221</u>
<u>Diana Stiffey</u>	<u>135 J. Milly Rd Smiths Grove</u>	<u>749-8506</u>
<u>Condra Cheatham</u>	<u>39 Oak Circle Dr Smiths Grove Ky 42171</u>	<u>749-9804</u>
<u>Joy R. Hill & Family</u>	<u>16530 Louisville Rd. Smiths Grove</u>	<u>749-8140</u>
<u>Mark Zell family</u>	<u>16494 Louisville Rd. Smith Grove</u>	<u>749-2817</u>
<u>William Beard</u>	<u>60 OAK VIEW DR ^{Smiths} Grove</u>	<u>749-9735</u>
<u>Robert L. Causey</u>	<u>65 Oak View Smiths Grove, Ky 42171</u>	<u>749-2204</u>
<u>Jerry Page</u>	<u>80 Oak View Smith Grove</u>	<u>749-5047</u>
<u>Jason W. Vance</u>	<u>100 OAK View Smiths Grove</u>	<u>749-2541</u>
<u>Sina Damastus</u>	<u>105 Oak View Smiths Grove</u>	<u>749-2550</u>
<u>Steve Link</u>	<u>200 OAK Circle Smith Grove</u>	<u>749-2066</u>
<u>Janet J Z</u>	<u>190 OAK CIRCLE Smiths Grove</u>	<u>749-2065</u>
<u>Jean Green</u>	<u>151 Oak Circle ^{Smiths} Grove</u>	<u>749-8345</u>
<u>Blaine Wolze</u>	<u>120 oak Circle ^{Smith} Grove</u>	<u>749-2606</u>
<u>Roland E Wolf</u>	<u>120 oak Cir ^{Smiths} Grove</u>	<u>749-2606</u>
<u>Marla Dryden</u>	<u>400 Upper Smiths Grove Rd</u>	<u>749-2917</u>
<u>Jeff Essig</u>	<u>345 Ed Coole Rd. Smiths Grove</u>	<u>749-9407</u>

COUNTDOWN

1915: Jan. 28: As war in Europe spreads into the Atlantic, the United States establishes the U.S. Coast Guard to protect American coastal waters and cities.

85 days remaining

News briefing

South Pole 'ozone hole' shrinks slightly

The area of depleted ozone over the South Pole — the "ozone hole" — has shrunk slightly, NASA reported Wednesday. The depleted area stretched 9.8 million square miles on Sept. 15. The record area of Antarctic ozone depletion of 10.5 million square miles was set on Sept. 19, 1998.

But officials cautioned that the decreased size of the ozone hole is not an indication of the recovery of Antarctic ozone levels. They said year-to-year variations of size and depth of the ozone hole depend primarily on the variations in weather.

Ozone in the upper atmosphere forms a protective layer, helping block dangerous ultraviolet radiation from the sun. Environmentalists fear the depletion could spread to other areas, leading to more skin cancer and other problems.

The ozone is damaged by chlorine and bromine compounds released by industrial products. International treaties regulate the production of these gases, and the amount of chlorine in some regions of the stratosphere is beginning to decline.

What's inside

- Classics 7-10B
- Comics 11B
- Deaths 6A
- Editorials 4A
- Living 1-3B
- Sports 4-6, 12B
- TV 11A



REACHING US: Phone: 270-761-1700 News online: <http://www.kentuckynews.com>

A Warren County teenager accused of raping a 3-year-old girl in an Alvaon church bathroom is awaiting an evaluation to determine if he is competent to stand trial, despite a Sept. 30 report to the contrary.

The Daily News had reported the evaluation of Barrett Lawrence, 17, of Warren County was complete and returned to the court.

Lawrence, who was 16 at the time of his arrest, has been charged with raping the girl during a church service in May. He has pleaded innocent and will be tried as an adult in Warren Circuit Court.

The evaluation, which will help to determine if Lawrence should be held competent and criminally responsible, has been ordered by the court but has not been conducted. Attorney David Broderick of Bowling Green, who represents Lawrence, said today he was.

See TEST, 2A

A long-distance cry for help has resident stymied

Smiths Grove woman has to call long distance for police or fire help

By ROBYN L. MINOR

The Daily News
rminor@bentonreport.com/783-3349

For Rita Dowdy and her husband, Jerry, it was a small move. But the consequences haven't been so tiny.

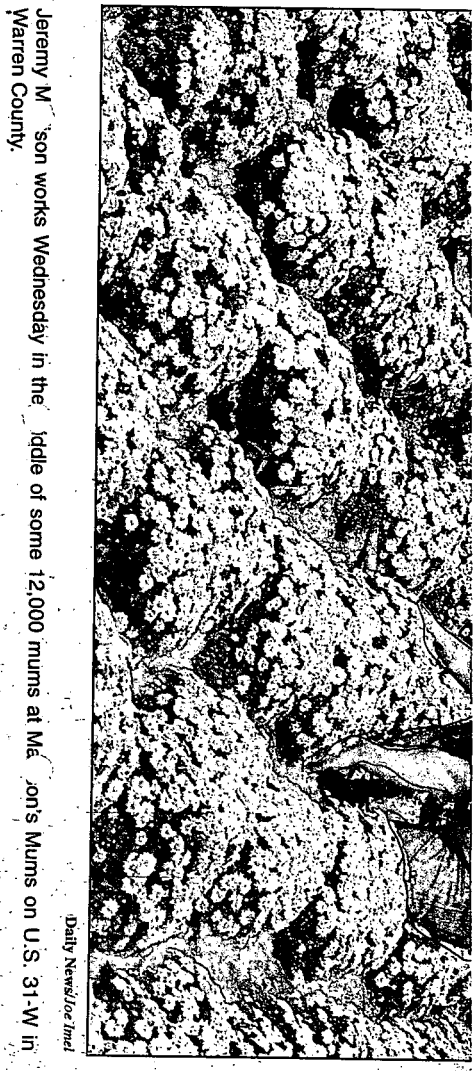
After a year of renting a home about three miles from Smiths Grove on Upper Smiths Grove Road, the couple moved into a home they built about 70 feet closer to the city.

But, while their rental home came with a Smiths Grove telephone number and mailing address, their new home has a Park City telephone number.

Park City is about 13 miles — and a long-distance call — away from Smiths Grove.

"The phone company told me before we built that we would have a Smiths Grove number," Rita Dowdy said. "Now they are telling us we can't."

The couple still have a Smiths



Jeremy M. son works Wednesday in the middle of some 12,000 mums at Me... son's Mums on U.S. 31-W in Warren County.

Jon Benet's grand jury getting closer to making decision

No more meetings known to be on slate past Friday's gathering

BOULDER, Colo. (AP) — The grand jury investigating the death of Jon Benet Ramsey was scheduled to meet today and Friday, and one adviser says he knows of no further meetings set for the group.

"I would not be surprised if there wasn't some kind of announcement next week, as opposed to waiting until the 20th or even the week of the 20th," Adams County District Attorney Bob Grant said.

Grant, one of four metro-area prosecutors who have advised District Attorney Alex Hunter on the case, was referring to the legally mandated conclusion of the grand jury's term. It was originally set to end April 21, but a judge extended it at the prosecution's request to Oct. 20.

Six-year-old Jon Benet was found strangled, beaten and her wrists bound with cord in her home on Dec. 26, 1996. Her millionaire parents, John and Faisy Ramsey, have been identified as suspects but maintain they are innocent.

Members of a grand jury, examining evidence surrounding the death of Jon Benet Ramsey, leave the courtroom Sept. 30 in Boulder, Colo., for a break.

Several of the grand jurors were spotted at the Boulder County Justice Center on Wednesday, all appearing to leave by mid-afternoon.



Daily News/Loe Inset

Grove address and utilize Smiths Grove fire protection and police.

Rita Dowdy, who considers herself a Smiths Grove resident, recently had to call Smiths Grove Volunteer Fire Department.

"It wasn't an emergency, so I didn't call 911," she said. "So it was a long-distance call for me. Anytime I want to call City Hall, it's a long-distance call."

She's turned to the Public Service Commission without luck.

"They say because (phone company) GTE will have expanded local calling, they won't do anything about it," she said.

Phone companies offer expanded calling for a flat, extra fee each month.

"I don't see why I should have to pay an extra charge to have that calling area when they told me we would have a Smiths Grove number," Rita Dowdy said. "We had considered just using a cell phone, but that won't give us Internet access."

Terry Patek, who is developing a subdivision along the road, said he doesn't think expanded calling



AP

News online: <http://www.kentuckynews.com>

270 Daily Home Delivery = 50¢ Newsstand

I was a reporter. I was turning to the PSC because GTE couldn't/wouldn't help me.

shocked by the report that the evaluation was finished.

My concern is that I don't know what sort of impact it's going to have," he said.

Lawrence has had mental problems and takes medication for Tourette's syndrome, Broderick said.

RESIDENT

From Page One

Park City — they want."

Potter also has not gotten a satisfactory answer to his phone questions, he said.

The GTE representative the Dowdys and Potter have dealt with was unavailable for comment.

After getting little help from phone numbers.

either her phone company or the PSC, Rita Dowdy is not sure where to turn — except to neighbors, he said.

She is planning to rally neighbors Saturday to sign a petition requesting that residents in her area be given Smiths Grove tele-

WORRY PULLS TOMORROW'S CLOUDS OVER TODAY'S SUNSHINE

Daily News/Clinton Lewis

Sign of the times

A sign at Church of God, on Louisville Road offers passersby a bit of weather advice.

Gingrich is asking judge to make wife hand over cash

MARIETTA, Ga. (AP) — Former House Speaker Newt Gingrich is asking a judge to force his estranged wife to turn over money he says she is hoarding.

Randy Evans, Gingrich's attorney, filed a motion Wednesday in Cobb County Superior Court asking that Marianne Gingrich be forced to transfer the money to a joint account within 14 days. It threatens a contempt action if she refuses.

The couple agreed last month to set up the joint account and transfer assets into it until their divorce is final.

Evans said he believes Marianne Gingrich still owns the account tens of thousands of dollars.

Newt Gingrich has turned over about \$35,000, while Marianne Gingrich has turned over only several

thousand, he said.

Marianne Gingrich's attorney, John Maynone, has denied the allegations.

Harvey Cohen, the accountant hired to manage the joint account, said he was not aware of any irregularities by either party.

Wednesday's motion was one of a series filed by Newt Gingrich this week in an effort to take the offensive against his wife, who has sought to force him to face formal questioning about his personal and financial affairs.

Marianne Gingrich also wants to question Callista Bisek, a congressional aide to whom Newt Gingrich has been romantically linked.

Newt Gingrich separated from his wife of 18 years in May and filed for divorce in July.

Stocks

Oct. 2 births at The Medical Center include a girl to Kaylene and Floyd Torres of Bowling Green.

Oct. 4 births at The Medical Center include a girl to Tana and Richard Hunt of Bowling Green; a girl to Angela King and Donald Hunt, both of Morgantown; a boy to Rhonda and John Marabelle of Alva; and a boy to Michelle and Jeff Phillips of Bowling Green.

Oct. 5 births at The Medical Center include a girl to Judy and Ted Mann of Alvacon; and a girl to Linda and Tommy Lay of Oakland.

Oct. 6 births at The Medical Center include a girl to Sonya and Jason Owens of Franklin; and a boy to Christina and Joseph Alford of Morgantown.

Y Petty Officer 3rd Class Clifford L. Cothran, son of Leon and Rachel Cothran of Franklin, recently returned from a six-month deployment to the Mediterranean Sea and Arabian Gulf aboard the guided-missile destroyer

USS Ross

Cothran is a 1992 graduate of Franklin-Simpson High School.

Morgan Ellis, daughter of Rick Ellis and Marlon Jacot, both of Bowling Green, has been named an ambassador for the University of Kentucky College of Arts and Sciences.



She will serve as ambassador for attending key university events for new students and alumni, hosting visiting students and parents, helping in the student services office and assisting in other registration and transfers of sign students.

Ellis is a graduate of Greenwood High School.

Nine members of Western Kentucky University's forensic science club received

team recently participated in an event at Middle Tennessee State University in Murfreesboro, Tenn. The team won the event's overall sweeps award.

Individual winners included: Sarah Sparks and Kerri Richardson in debate; David Wilkins, Sarah Sparks and Kerri Richardson in impromptu speaking and extemporaneous speaking; Andrew Chambrlain and Alisha Pomanata in prose interpretation; Shellei Knuckles and Keith Blazer in duo interpretation; Shellei Knuckles and Alisha Pomanata in programmed oral interpretation; Andrew Chambrlain in after-dinner speaking; and Andrew Chambrlain, Shellei Knuckles and Keith Blazer in poetry interpretation.

Andrew Chambrlain also was honored as outstanding new member.

Western Kentucky University senior Carla Givira has received a \$1,000 scholarship from Beta Gamma Sigma, a national business honor society.

Paul Singleton of Bowling Green has been honored with the Company Honor Graduate Award at the Marine Corps Recruit Depot in Parris Island, S.C.

The award is the highest within a company of Paul Singleton.

Singleton received a plaque for the honor and was promoted to the rank of private first class.

Singleton, son of Lisa Singleton and a 1999 graduate of Warren Central High School, will attend the Naval Academy in Annapolis, Md.



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Commodities

Cattle futures prices hit

News that Russia will withdraw from the beef market because of a high price imposed sent cattle futures prices down 47 cents.

In other markets, hog and pork belly futures were mixed as dealers continued their talks on too high and use the food and beam to purchase.

December live cattle were 56 cent lower at 69.20 cents a pound. Treasury note, 1-cent lower at 103.27 cents a pound.

December corn was 1 cent higher at 32.04 a bushel. December oats were 1 1/4 cents higher at 81.13 a bushel. November soybeans were 1 1/2 cents higher at 18.17 a bushel. December cocoa was 27 cent lower at 9498 1/2.

Money

Dollar, gold higher in Europe

LONDON (AP) — The U.S. dollar rose against the British pound in Europe on Wednesday.

The euro was quoted at \$1.0739 in Asia Tuesday, down from \$1.0739 in Asia Tuesday.

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Stocks of interest

Company	Pkts	Change
Comcast	25	+
Bell South	25	+
Comcast	25	+
Comcast	25	+
Comcast	25	+

Market in brief

Index	Value	% Change
October 6, 1999		
DOW (Industrial)	10,568.34	+1.81/75
S&P 500	1,328.40	+24/05
RUSSELL 2000	428.76	+3/75
NASDAQ	2,857.21	+57/54

NASDAQ

Advances:	1,754	New highs:	47
Declines:	1,288	New lows: <td>122</td>	122
Unchanged:	526		157
Composite volume:	1,081,922,070		
Advances:	2,037	New highs:	122
Declines:	1,799	New lows:	113
Unchanged:	1,207		113
Volume:	1,170,050,600		

Nasdaq diary

Advanced:	2,037	New highs:	122
Declines:	1,799	New lows:	113
Unchanged:	1,207		113

Bank stocks

Bank	High	Low	Last	Chg.
ACE Ltd	14.88	17.00	16.15	-1.15
ATM	22.50	22.50	22.50	0.00
ATM	22.50	22.50	22.50	0.00
ATM	22.50	22.50	22.50	0.00

Bank stocks

Bank	High	Low	Last	Chg.
Bank of America	27.20	24.40	24.40	+0.40
Banque Paribas	81.00	74.00	74.00	+0.20
Citigroup	117.00	114.00	114.00	+0.20
Commerzbank	107.00	107.00	107.00	0.00