



Paul E. Patton, Governor

Janie A. Miller, Secretary  
Public Protection and  
Regulation Cabinet

Thomas M. Dorman  
Executive Director  
Public Service Commission

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Robert E. Spurlin  
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December 19, 2002

Mr. Joseph H. Williams  
Corporate Secretary  
The Rental Depot, Inc.  
4422 Kiln Ct.  
Louisville KY 40218

Re: Questions Regarding Liability for Directory Listing Errors

Dear Mr. Williams:

This letter responds to your letters to Mr. Dorman, Mr. Kirtley, and Ms. Dougherty regarding the applicability of a tariff liability clause to classified advertising. You correctly assert in your correspondence that carriers are required to produce a directory with a basic listing as part of the provision of local service. You also correctly state that a classified advertisement appearing in a separate yellow page only book offered by separate contract and in addition to the basic listing is not part of the regulatory requirement. The classified listings are established by separate contract and are not regulated by this agency. Any acts or omissions related to such classified contract are governed by provisions of that contract and not by provisions of a carrier's filed tariff.

The opinion herein applies the law to the facts as stated in your letter and is not binding upon the Commission should the matter discussed herein be brought before the Commission. Any further questions may be directed to Amy Dougherty of my legal staff at 502-564-3940 ext. 257 or via e-mail at [aedougherty@mail.state.ky.us](mailto:aedougherty@mail.state.ky.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Dorman".

Thomas M. Dorman  
Executive Director

/AED/rst  
cc: File



AN EQUAL OPPORTUNITY EMPLOYER M/F/D