

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

NOTICE OF SOUTH CENTRAL BELL)
TELEPHONE COMPANY OF AN)
ADJUSTMENT IN ITS INTRASTATE) CASE NO. 8150
RATES AND CHARGES)

ORDER

On May 8, 1981, the Kentucky T.A.S. Committee ("T.A.S."), by counsel, filed its Motion to Dismiss "so much of the above-captioned application as seeks to increase or impose new rates for secretarial service facilities of telephone answering services." T.A.S. alleges that since the rates for these services involve rate levels which are virtually identical to those previously requested by South Central Bell Telephone Company ("Bell") in Case Nos. 7314 and 7774 which were denied by the Utility Regulatory Commission, that Bell is barred by the doctrine of res judicata from seeking the increase it now requests in this case. T.A.S. further requested that its motion be heard at the commencement of the hearings scheduled to begin on June 22, 1981.

On May 12, 1981, the Coalition Against Local Measured Service, Inc. ("Coalition") and Kentuckiana Burglar and Fire Alarm Association, Inc. ("Kentuckiana"), by counsel filed their Motion to Dismiss Bell's application for failure to comply with KRS Chapter 424 in that the "rates proposed by Bell and the time and place of the Commission's March 30, 1981 hearing" did not "appear in the form of a legal notice or advertisement in the Louisville Times".

On May 12, 1981, Bell filed its response to the Coalition-Kentuckiana motion, stating Bell's position that the notice published in the Courier-Journal and other newspapers met the requirements of KRS 424.300. Bell further argued that Coalition and Kentuckiana had no standing to object to notice deficiencies since Coalition and Kentuckiana had received actual notice and thus, had not suffered any harm. Finally, Bell stated that the published notice had substantially complied with KRS Chapter 424.

On May 14, 1981, Coalition-Kentuckiana filed its reply to Bell's response to Coalition-Kentuckiana's Motion to Dismiss objecting to Bell's interpretation of the applicability of provisions contained in KRS Chapter 424 and stating that strict compliance with KRS Chapter 424 is mandated.

The Commission, after consideration of these matters, and being advised, is of the opinion and finds that:

1. A different test year and thus, different expense data is utilized in this case as opposed to Case Nos. 7314 and 7774.

2. The increased revenues being requested by Bell in this case for T106.1.1 and TA.8.2.4(a) involving telephone answering service facilities amount to \$137,304 as distinguished from the \$172,000 in increased revenues proposed in Case Nos. 7314 and 7774.

3. A hearing on the T.A.S. motion is not warranted under the facts and arguments presented.

4. The Motion to Dismiss filed by T.A.S. should be overruled.

5. Bell has complied with KRS 424.300 in that the notice of hearing involving Bell's rate application was published in newspapers in the "areas that will be affected".

6. In this proceeding, the "areas affected" involve the 79 out of 120 Kentucky counties, those in which Bell serves, and thus, state-wide notice under KRS 424.180 has been provided in that the notice was published in the Courier-Journal.

7. Any portions of the notice which are of "particular local interest" have been properly published in that the various telephone exchanges form the "areas" which are "affected" and thus, the notices appeared in the newspaper of the largest bona fide circulation in those publication areas.

8. The Motion to Dismiss filed by Coalition-Kentuckiana should be overruled.

IT IS THEREFORE ORDERED that the Motion to Dismiss filed by T.A.S. and its request for hearing on that motion are hereby overruled.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Coalition-Kentuckiana is hereby overruled.

Done at Frankfort, Kentucky, this the 22nd day of May, 1981.

PUBLIC SERVICE COMMISSION

Marlin M. Vohz
Chairman

Katharine Randall
Vice Chairman

Don P. Langston
Commissioner

ATTEST:

Secretary