

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO COUNTYWIDE)
EXTENDED AREA TELEPHONE SERVICE) CASE NO. 9711
FOR SUBSCRIBERS IN CASEY COUNTY,)
KENTUCKY)

O R D E R

During the 1986 session of the Kentucky General Assembly, considerable interest was expressed by several legislators concerning the feasibility of providing Countywide Extended Area Service ("CWEAS") in four particular counties, one of which is Casey County. In response to this interest, the Commission, on its own motion, instituted this case on October 20, 1986 to determine the feasibility of providing CWEAS within Casey County and the desire of Casey County telephone subscribers for that service.

Based on a letter filed October 31, 1986, the Commission was apprised of attempts between local telephone companies and county and city officials to negotiate an agreement, thereby making it potentially unnecessary to incur the expense of an investigation and hearing. Therefore, by Order dated November 14, 1986, the Commission on its own motion directed that this matter be continued until further notice. On January 13, 1987, the Commission received notice that the aforementioned negotiations had been unsuccessful.

Subsequent conversations between State Representative Raymond Overstreet of Casey County and Commission Staff revealed that this CWEAS investigation would not properly address certain calling concerns within Casey County since a small portion of the county is in the Louisville Local Access and Transport Area ("LATA"), though the majority is in the Winchester LATA. Even if CWEAS were approved, the local exchange telephone utilities involved in this case cannot provide local telephone service across this LATA boundary. Such a decision could only be approved by the U.S. District Court for the District of Columbia, and is not within the jurisdiction of this Commission. See, United States v. American Telephone and Telegraph Company, 552 F. Supp. 131 at 229 (1982) and United States v. GTE Corporation 603 F. Supp. 730 at 746 (1984).

Additionally, the Commission is currently in the process of investigating the entire Extended Area Service situation and developing alternative ways of providing extended calling service in a manner that is fair and equitable to all subscribers. Under the current procedures, the Commission has found in prior cases that extended service is usually not approved since a majority of all subscribers in the exchanges involved must be willing to pay a higher monthly flat rate for the service. For these reasons, the Commission has determined that continuation of this matter would not be beneficial, and therefore this investigation should be dismissed.

The Commission, having considered this matter, and being advised, is of the opinion and finds that this CWEAS investigation should be dismissed.

IT IS THEREFORE ORDERED that this case be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 22nd day of December, 1988.

PUBLIC SERVICE COMMISSION

Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director