

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF APPLICATION OF SOUTH)
CENTRAL BELL TELEPHONE COMPANY)
TO MODIFY ESSX SERVICE, FOR)
CONFIDENTIAL TREATMENT OF PROPOSED) CASE NO. 10212
SECTION P12 AND TO PROVIDE RATE)
FLEXIBILITY)

O R D E R

On June 22, 1988, AT&T Information Systems, Inc. ("ATTIS"), filed a Motion to strike or disallow South Central Bell Telephone Company's ("SCB") tariff filing in this case. On July 8, 1988, MCI Telecommunications Corporation ("MCI") filed a Motion to reject the same tariff filing. On July 14, 1988, SCB filed a response to ATTIS's Motion.

In its Motion, ATTIS contends that the tariff filing should be dismissed on the grounds that it does not show a schedule of rates for proposed tariff section P12, publication of rates is a legal condition to the consideration of proposed rates, failure to file a proposed schedule of rates is contrary to statutes of the Commonwealth and rules prescribed by the Commission, and tariffs that have the force and effect of law must be capable of scrutiny.¹ MCI contends that the tariff filing should be rejected on the grounds that the concept of a "confidential tariff" is inconsistent with reason and purpose for requiring a regulated

¹ Motion of AT&T, page 1.

utility to publish a tariff, the publication of tariffs is a well established doctrine of utility regulation, and statutes of the Commonwealth require the publication of rate schedules.² SCB responds that the tariff filing does not violate any statutes of the Commonwealth or rules prescribed by the Commission and is consistent with actions taken by the Commission in other areas of regulation.³

The Commission, having considered the Motions and SCB's response, and being advised, is of the opinion and finds that the Motions should be sustained. Accordingly, proposed tariff section P12 and proposed changes to tariff section A12 that accommodate tariff section P12 be and they HEREBY are denied as a matter of law.

The Commission will proceed to hearing in this case to consider the following matters, as well as other matters that might arise: (1) proposed changes to tariff sections A2 and A4, (2) whether rates proposed in tariff section P12 should be published in tariff section A12, (3) whether existing ESSX rates published in tariff section A12 should be vintaged to tariff section A212, (4) ESSX pricing methodology, (5) the bundling of ESSX service options, and (6) whether and what form of rate

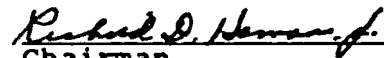
² Motion of MCI, pages 1-3.

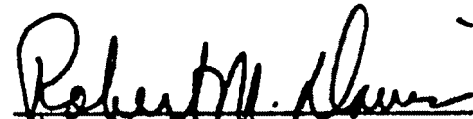
³ Response of SCB, generally.

flexibility should be extended to ESSX. The latter area of investigation might include streamlined special contract procedures or ESSX rate band alternatives, for example.

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

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director