

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BOBBY D. TRAVIS)	
AND)	
TERRI A. TRAVIS)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO. 91-273
)	
SOUTH CENTRAL BELL)	
TELEPHONE COMPANY)	
)	
DEFENDANT)	

O R D E R

On July 22, 1991, the Complainants, Bobby D. and Terri A. Travis (collectively the "Travises"), filed a formal complaint against South Central Bell Telephone Company ("SCB") and/or the Public Service Commission. In their complaint, the Travises state that while they reside in Crittenden County, they receive telephone service from SCB's Providence exchange out of Webster County. The Travises request either that tolls be eliminated for calls between their community and the remainder of Crittenden County, or that a "calling option" be offered for such calls.

The Commission is empowered by KRS 278.260 to investigate a complaint against a utility that a rate is unreasonable or unjustly discriminatory. Pursuant to Commission Regulation 807 KAR 5:001, Section 12(4)(a), upon a filing of a complaint, the Commission is to make an examination to determine if it

establishes a prima facie case. If the complaint does not establish a prima facie case, the Complainant is to be notified and an opportunity may be given to amend within a specified time. A prima facie case is one which, if unrebutted or unexplained, is sufficient to maintain a proposition.

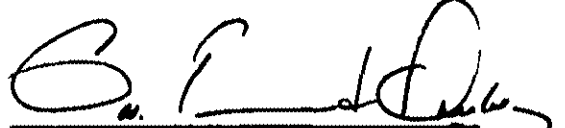
Based on a review of the Travises' claim and being advised, the Commission hereby finds that a prima facie case has not been presented. The Commission finds that SCB has complied with established policies in the provision of service to the Travises. The Travises do not allege any violation of law by SCB. The Travises have not alleged that SCB is treating them differently than any other customer served by an exchange located primarily in an adjoining county. Moreover, SCB is operating pursuant to its schedules of rates and conditions. SCB's rates and services are not unreasonable, unjust, or discriminatory. Thus, deviation from established policies is not warranted in this case. Accordingly, the Commission finds that no hearing is necessary for the protection of substantive rights and the petition should be denied. The Commission will hold the Travises complaint for 20 days to give them an opportunity to file an amended complaint supporting their claim that SCB's rates are either unreasonable or unjustly discriminatory. If no amendment setting forth a prima facie case is received within 20 days, the complaint will be dismissed.

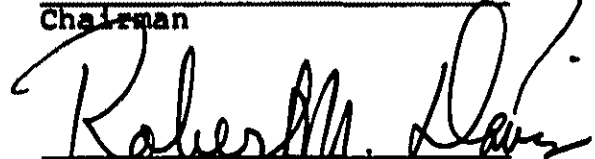
Intervention may be an avenue the Travises may wish to explore. South Central Bell Telephone Company's Proposed Area Calling Service Tariff, Case No. 91-250,¹ is currently being reviewed by the Commission. This case addresses some of the issues raised in the Travises' complaint. 807 KAR 5:001, Section 3(8), provides for intervention by a person having a special interest in the proceeding or is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

IT IS THEREFORE ORDERED that the Complainants shall have 20 days from the date of this Order to amend their complaint. If the complaint is not amended within such time, this complaint shall be dismissed without further Order of the Commission.

Done at Frankfort, Kentucky, this 9th day of August, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director

Commissioner

¹ Case No. 91-250, South Central Bell Telephone Company's Proposed Area Calling Service Tariff.