

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CINCINNATI BELL DIRECTORY)
INC. FOR EXTENSION OF ITS VOICE) CASE NO. 92-476
MESSAGING SERVICE FROM REGULATION)

O R D E R

On November 6, 1992, Cincinnati Bell Directory Inc. ("CBD") filed a petition pursuant to KRS 278.512 and KRS 278.514 requesting that its Voice Messaging service be exempted from regulation. On February 19, 1993 and April 2, 1993, the Commission ordered CBD to provide additional information relating to its petition for exemption from regulation. On August 2, 1993, CBD supplemented its previous responses to the Commission's Orders.

CBD submits that its Voice Messaging service, as described in its petition, "is in no way integrated with the services of any [local exchange carrier] and does not add to, change or restructure subscriber's transmitted information."¹ Voice message customers can dial a seven-digit local telephone number to gain access to the voice message computer in order to listen to, save, delete, or assign messages to another CBD Voice Messaging customer whose file is stored on the computer. The only linkage between the voice message computer and local telephone service is provided through lines leased from local exchange carriers at tariffed rates, which are used to obtain access to the voice message computer.

¹ CBD supplemental response dated August 2, 1993, at 3.

CBD, in its August 2, 1993 supplemental response, submits that it has reevaluated the characteristics of its Voice Messaging service and that it falls outside the Federal Communications Commission's ("FCC") definition of an enhanced service, as adopted by the Commission in Administrative Case No. 338.² Thus, it is not an enhanced service, as defined by the FCC and the Commission.

The FCC defines an enhanced service at 47 C.F.R. Section 64.702(a):

For the purpose of this subpart, the term enhanced service shall refer to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide transmitted information; involve subscriber's additional, different, or restructured information; or involve subscriber interaction with stored information. Enhanced services are not regulated under title II of this Act.³

CBD's voice mail service does involve subscriber interaction with stored information and the use of common carrier transmission facilities, which includes it within the definition of enhanced services. However, when the Commission adopted the FCC's definition of enhanced services in Administrative Case No. 338, it asserted jurisdiction over enhanced services provided by telecommunications utilities under its jurisdiction pursuant to KRS

² Administrative Case No. 338, Inquiry Into the Provision of Enhanced Services in Kentucky.

³ See the FCC's definition of a jurisdictional enhanced service at 47 C.F.R. Section 64.702(a) and Administrative Case No. 338, Inquiry Into the Provision of Enhanced Services in Kentucky. Title II relates to common carrier services.

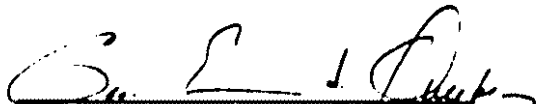
Chapter 278, even though it could have asserted jurisdiction over enhanced services provided by any entity pursuant to the same statute.


The Commission, having previously exempted voice mail services⁴ pursuant to KRS 278.512 and KRS 278.514, finds no good reason to assert jurisdiction or impose regulation in this case. Therefore, CBD's provision of voice mail services as specifically described in this case shall be exempt from regulation.

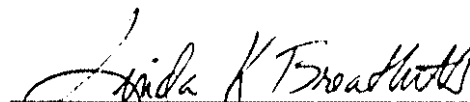
IT IS THEREFORE ORDERED that this proceeding is dismissed.

Done at Frankfort, Kentucky, this 9th day of December, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

⁴ Case No. 93-008, Petition Of Cincinnati Bell Telephone Company for Exemption of Voice Messaging Service from Regulation, Order dated November 23, 1993.