

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CINCINNATI BELL)
TELEPHONE COMPANY FOR AUTHORITY TO)
INCREASE AND ADJUST ITS RATES AND) CASE NO. 94-355
CHARGES AND TO CHANGE REGULATIONS)
AND PRACTICES AFFECTING THE SAME)

O R D E R

Three post-hearing procedural motions have been filed. On April 10, 1995, Cincinnati Bell Telephone Company ("Cincinnati Bell") filed a motion to strike the Surrebuttal Testimony of Randy Allen filed on behalf of the Attorney General, by and through his Public Service Litigation Branch ("Attorney General"), and for an Order closing the record. In support of its motion, Cincinnati Bell states that the Surrebuttal Testimony was filed out of time. Based on agreement at the March 22, 1995 hearing, testimony was due by April 1, 1995. It was not filed until April 6, 1995. To date, no response to this motion has been received.

The delay in filing the Surrebuttal Testimony has not harmed Cincinnati Bell nor any Intervenor in this proceeding. Accordingly, the Commission will deny Cincinnati Bell's motion to strike and for an Order closing the record.

On April 26, 1995, the Attorney General moved to compel Cincinnati Bell to furnish the information regarding the various brands and types of switches and the cost of each on a switch-by-switch basis. The Commission had required this information to be

supplied after the hearing.¹ The Attorney General stated that the information had not been made available to him. On May 5, 1995, Cincinnati Bell and Bell Communications Research, Inc. ("Bellcore") responded in opposition to the Attorney General's motion.

The information has been provided to the Commission with a petition for confidential treatment and the information was offered to the Attorney General if he would enter a non-disclosure agreement. On May 11, 1995, the Attorney General filed a motion requesting that the Commission provide him with copies of the Bellcore information. On May 18, 1995, Bellcore filed a memorandum contra to the Attorney General's May 11, 1995 motion. Bellcore argues that the Attorney General has no greater right to information than any other party in this case and that the appropriate means to receive the switch-specific TouchTone cost information is by entering a nondisclosure agreement with Bellcore.

The Commission agrees with Bellcore and Cincinnati Bell. The Attorney General may receive and review this information after he enters a nondisclosure agreement with Bellcore. The information is not unavailable to the Attorney General because of Bellcore actions but because the Attorney General has not entered a nondisclosure agreement.

The Commission, having considered the motions and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Cincinnati Bell's motion to strike and for an Order to close this proceeding is hereby denied.

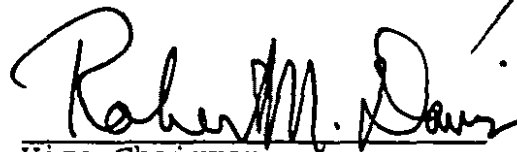
¹ Transcript of Evidence, Vol. II, pgs. 180-181.

2. The Attorney General's motions to compel switch-specific TouchTone cost information from Bellcore and from the Commission are hereby denied.

Done at Frankfort, Kentucky, this 23rd day of May, 1995.

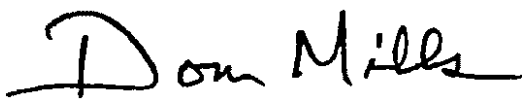
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director