

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARION COUNTY FISCAL COURT	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 95-078
	)	
GTE CORPORATION	)	
AND	)	
SOUTH CENTRAL BELL TELEPHONE COMPANY	)	
	)	
DEFENDANTS	)	

O R D E R

On February 27, 1995, Marion County Fiscal Court ("Complainant") filed with the Commission a complaint alleging that all of Marion County, except for approximately two hundred households located in the northwestern portion of the county, is served by GTE Corporation.<sup>1</sup> These two hundred households are served by South Central Bell Telephone Company's ("South Central Bell") Bardstown exchange. Consequently, these households have local calling to most locations in Nelson County, but they do not have 911 services routed through the City Police Department of Lebanon, Marion County's county seat. Complainant claims that South Central Bell's failure to provide 911 services for these households violates its obligation to provide adequate service to

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<sup>1</sup> GTE South Incorporated ("GTE South") is the affiliated entity which provides service in Marion County, Kentucky. Consequently, on March 9, 1995, the Commission ordered GTE South, rather than GTE Corporation, to satisfy or answer the Complaint.

its customers. Complainant further alleges that, in response to its inquiry, the two local exchange carriers quoted excessively high prices for routing 911 calls from the two hundred households to the Lebanon City Police Department. These prices, Complainant claims, make it economically unfeasible for the Complainant to purchase local 911 services for the Marion County households in South Central Bell's Bardstown exchange.

Complainant asks that the charges be reduced or waived and that South Central Bell and GTE Corporation<sup>2</sup> be directed to provide 911 emergency dispatching services to these households at no additional cost or at a cost determined in proportion to the expected use of the service, which Complainant alleges would be minimal.

The Commission, on March 9, 1995, ordered GTE South and South Central Bell to satisfy or answer the complaint. Subsequently, on March 17, 1995, and March 23, 1995, respectively, GTE South and South Central Bell filed Answers. South Central Bell denies that it fails to provide adequate service to its Marion County customers. Both GTE South and South Central Bell admit that the prices cited in its complaint are those quoted for the services requested; however, the companies state that those prices are tariffed prices and that Complainant has not alleged that offering the requested service at the quoted prices violates any state law or Commission regulation. Indeed, both companies claim that waiving or reducing their tariffed prices to provide the requested

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<sup>2</sup> Appropriately GTE South.

services to Complainant would be unlawful. As supplements to their answers, both GTE South and South Central Bell filed detailed price analyses which show the elements involved in providing the requested services and the rates for each.

KRS 278.170(1) forbids utilities to discriminate among customers as to rates or services. In addition, KRS 278.160(2) provides as follows:

No utility shall charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

Thus, GTE South and South Central Bell are required by law to charge Complainant the same rates they would offer to any customer who orders the same service under the same conditions. GTE South and South Central Bell are also required by law to charge rates which are prescribed in their respective tariffs on file with, and approved by, the Commission. Consequently, the only issue before the Commission is whether they have done so.

Review of the price analyses filed by GTE South and South Central Bell, together with a comparison of the price elements within those analyses with the companies' respective tariffed rates, reveals that the charges quoted to Complainant by the companies are, with a single minor exception, correct. See Supplemental Exhibit to Answer of South Central Bell. With this minor adjustment, the rates quoted are those Marion County Fiscal


Court should pay if it wishes to extend local 911 service to Marion County customers in South Central Bell's Bardstown exchange.


South Central Bell, in its Answer, at 2, suggests that Complainant and GTE may consider the less expensive alternative of remote call forwarding to Marion County any emergency calls originating in the Marion County portion of the Bardstown exchange.

The Commission, having reviewed the facts and applicable law, and having been otherwise sufficiently advised, HEREBY ORDERS that this case is dismissed.

Done at Frankfort, Kentucky, this 22nd day of June, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director