## COMMONWEALTH OF KENTUCKY

## BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LAUREL COUNTY BOARD OF EDUCATION

COMPLAINANT

v.

CASE NO. 96-144

GTE SOUTH INCORPORATED

DEFENDANT

## ORDER TO SATISFY OR ANSWER

GTE South Incorporated ("GTE South") is hereby notified that it has been named as defendant in a formal complaint filed on April 9, 1996, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, GTE South is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 29th day of April, 1996.

PUBLIC SERVICE COMMISSION

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Executive Director

ATT

RECENTER APR no 1006

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION CASE NO. 96-144

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## LAUREL COUNTY BOARD OF EDUCATION,

PLAINTIFF.

VS.

GTE SOUTH, INCORPORATED,

DEFENDANT.

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**COMPLAINT** 

Comes the Laurel County Board of Education and for its Complaint herein, states as follows:

(1) The Laurel County Board of Education exists as a political entity, created by statute with its central office being at U.S. 25 South, London, Laurel County, Kentucky.

(2) GTE South, Incorporated is a corporation, organized under the laws of Virginia, but is authorized to transact business in the Commonwealth of Kentucky bu the Secretary of State. GTE South, Incorporated, does, in fact, transact business in Laurel County, Kentucky. Its agent for Service of Process is CT Corporation System, Kentucky Home Life Building, Louisville, Kentucky, 40202.

(3) This Complaint is filed by Joe McKnight, Superintendent of the Laurel County Board of Education, U.S. 25 South, London, Kentucky, as agent for the Laurel County Board of Education.

(4) The Laurel County Board of Education wants to install a system of communication for all of the schools in Laurel County by which it may operate a system of communications between all of the schools in Laurel County and the Laurel County School District Central Office, which is also in Laurel County. The plan is for fiber optic system which will carry voice, video and data information among the schools and the central Board office.

(5) In order to accomplish this system, the Laurel County School District has contacted all utilities having poles which serve this area that Laurel County Schools might need to use in attaching their lines to those poles. All of these untilities have agreed to the use of their poles and to enter into pole attachment agreements except for GTE South, Incorporated. GTE South, Incorporated, has unreasonably refused to agree to allow the Laurel County School District to attach the School District lines to the GTE poles. GTE South, Incorporated, is allowing other utilities to attach to their poles. The Laurel County School District does not intend for any person or entity other than the Laurel County School District to use these poles and lines pursuant to this request and the Laurel County School District will not be using these lines for any commercial purpose but only for the School District's purposes.

(6) Pursuant to the laws of this Commonwealth and specifically the case of <u>Kentucky</u> <u>CATV Association v Volz, et. al., and Louisville Gas and Electric Company v Kentucky</u> <u>CATV Association, Inc., Ky.App., 675 SW2d 393 (1983)</u>, the Public Service Commission has jurisdiction to hear this matter and order that GTE South, Incorporated, allow the Laurel County School District to use its poles and establish a reasonable rate for the use of the poles.

(7) The attachment hereto reflects the identity of the poles (by pole identification number) and the area (by street or road identification number) where each pole is located to which the School District wishes to attach its lines. This attachment is referred to School Exhibit "A". A map is attached hereto which reflects the location of each school and the Central office. This is referred to as School Exhibit "B". School Exhibit "C" reflects the proposed outlay of the location of the lines, in relation to the schools and the central office. School Exhibit "D" is a collective exhibit that reflects more specifically the location of each identified pole and the particular section of the area (by road identification) where these are located.

WHEREFORE, the Laurel County Board of Education respectfully moves the Public Service Commission to enter an Order directing GTE South, Incorporated, to sign a pole attachment agreement with with the Laurel County Board of Education and establish a reasonable rate for the use of these poles, or in the alternative, enter an Order and Judgment which allows this use of the poles in Laurel County, Kentucky, pursuant to the above, and establish a reasonable rate for the use. As of this date, GTE South, Incorporated, has refused to allow the use of their poles by the School District and to sign a pole attachment agreement.

Dated: 3.25.94 at London, Kentucky By: (Leen)

Superintendent Joe McKnight Laurel County School District and

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Larry G. Bryson Laurel County School Board Attorney 408 North Main Street London, Kentucky 40741. STREET POLE NUMBER

McWhorter Rd. 836/1, 836/2, 836/3, 836/4, 836/5, 836/6, 836/7, 836/8, 836/9, 836/10, 836/11, 836/20, 836/21, 836/21.5, 836/22, 836/23, 836/24

1/68, 1/67, 1/66, 1/65, 1/64, 1/63, 1/62, 1/61, 1/57, 1/56, 1/55, 1/54, 1/53, 1/52, 1/51, 1/50, 1/49, 1/48, 1/47, 1/46, 1/45, 1/44, 1/43

 4th St.
 821/40, 821/39, 821/38, 821/37, 821/36, 821/35, 5, 821/35, 821/34, 821/33, 821/32, 821/31

606/21, 606/20, 606/19, 606/18, 606/17, 606/16, 606/15, 606/14, 606/13, 606/12, 606/11, 606/10, 606/9, 606/8, 606/7, 606/6, 606/5, 606/4, 606/3, 606/2

Mill St. 1456/1

119/3, 119/2.5

50/2

Hwy 25 S 350/58, 350/59, 350/60.5, 350/61, 350/62

467/14

469/1

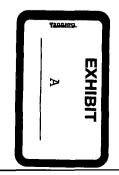
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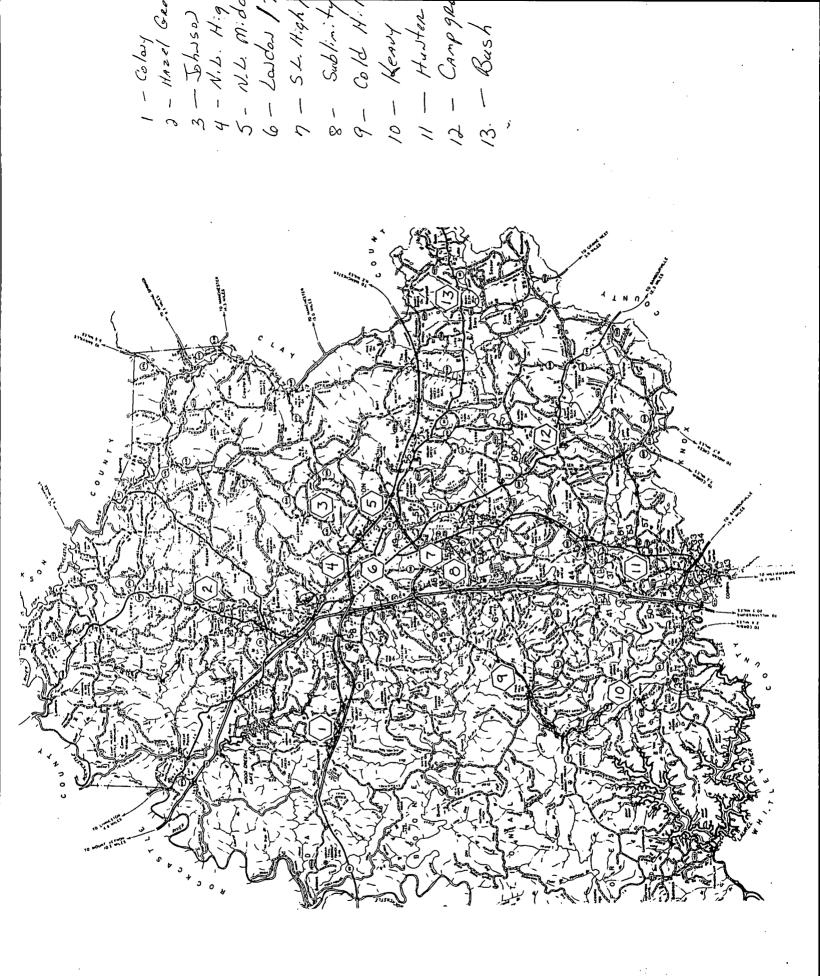
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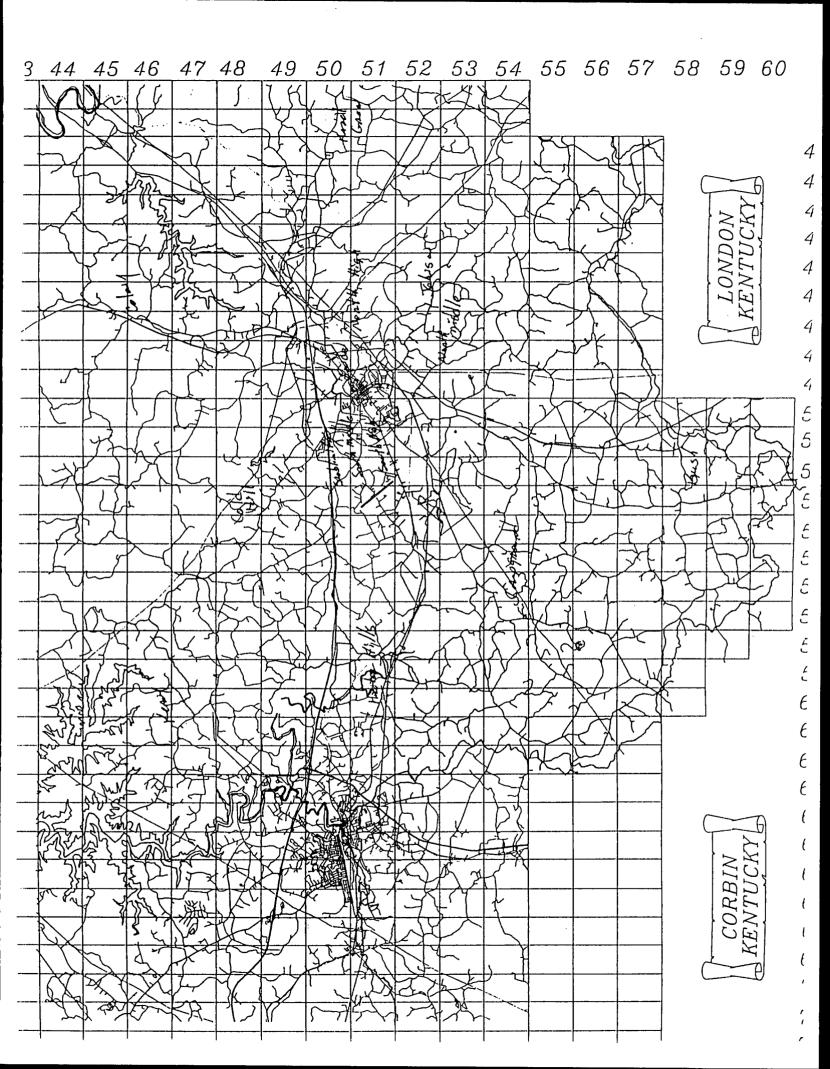
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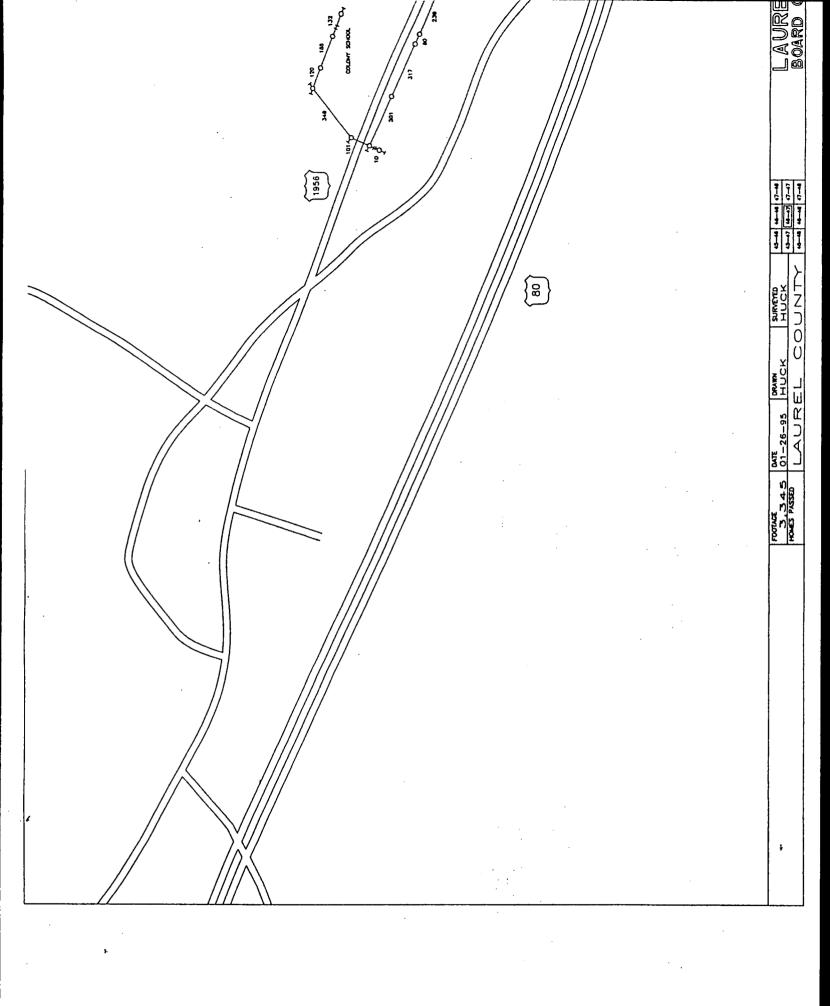
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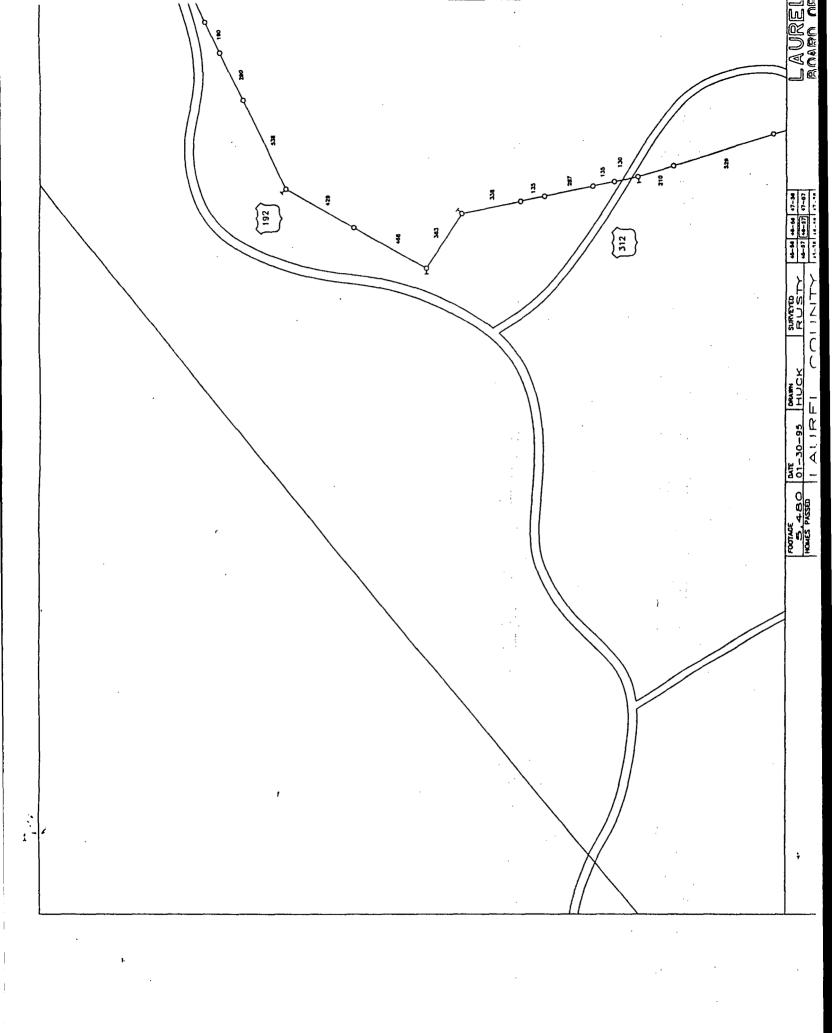


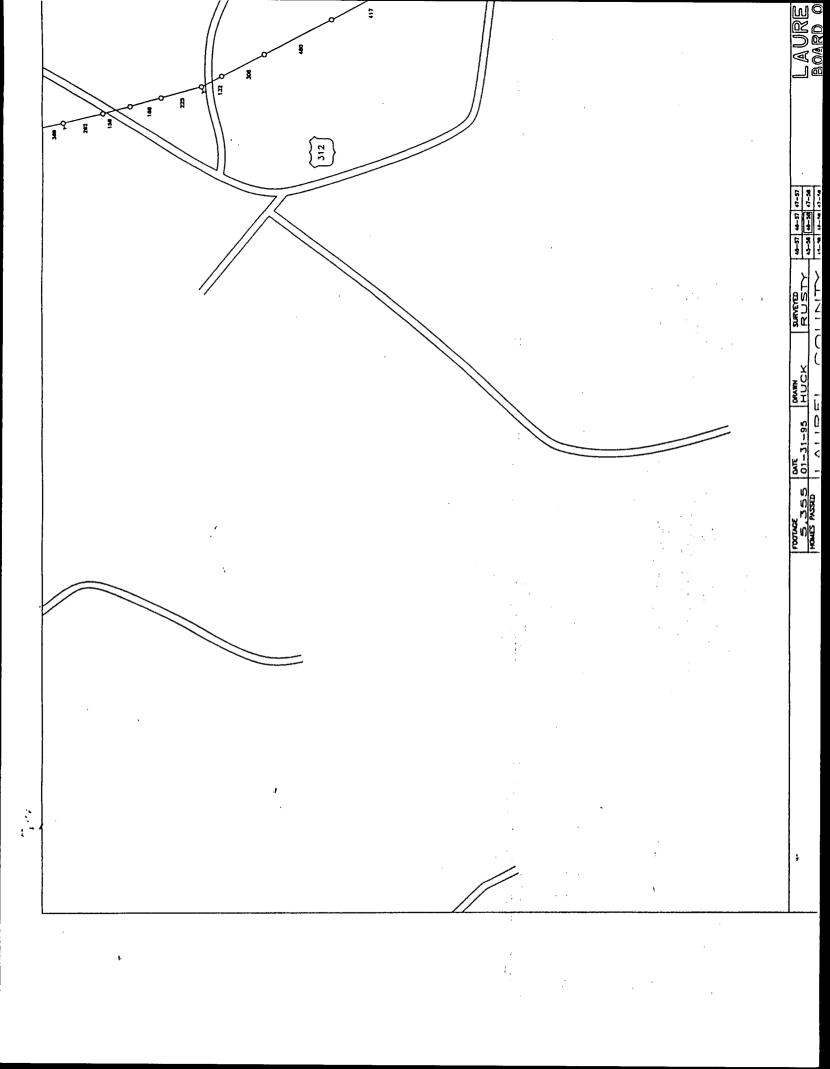


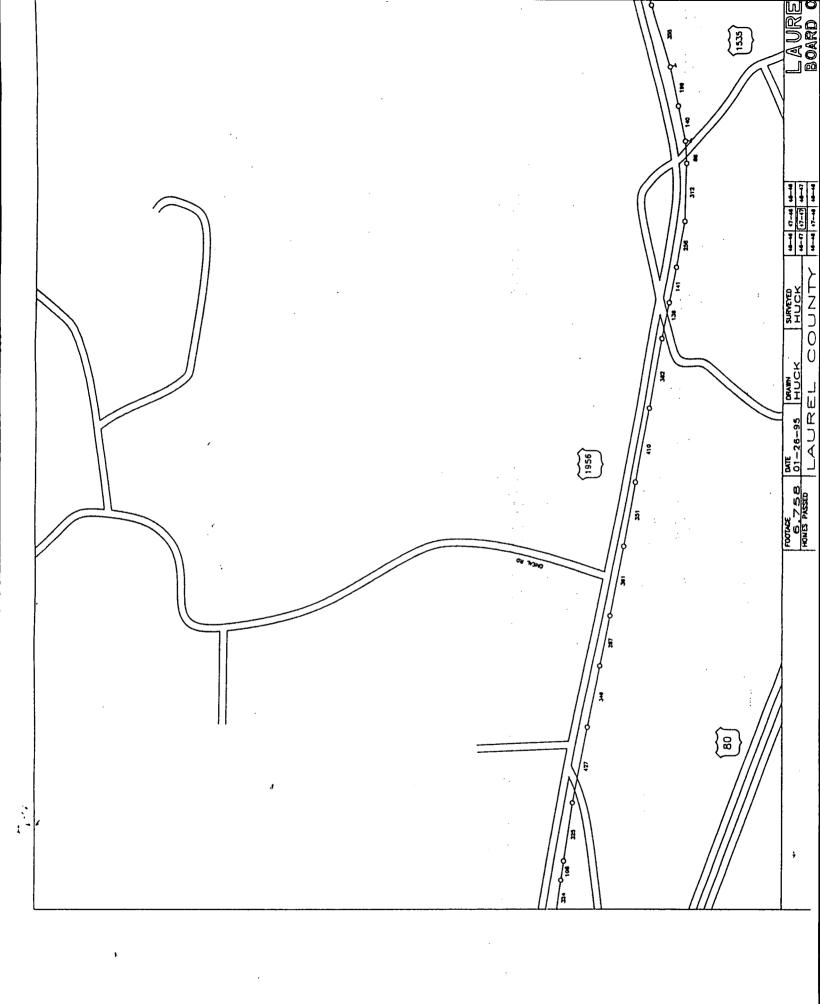


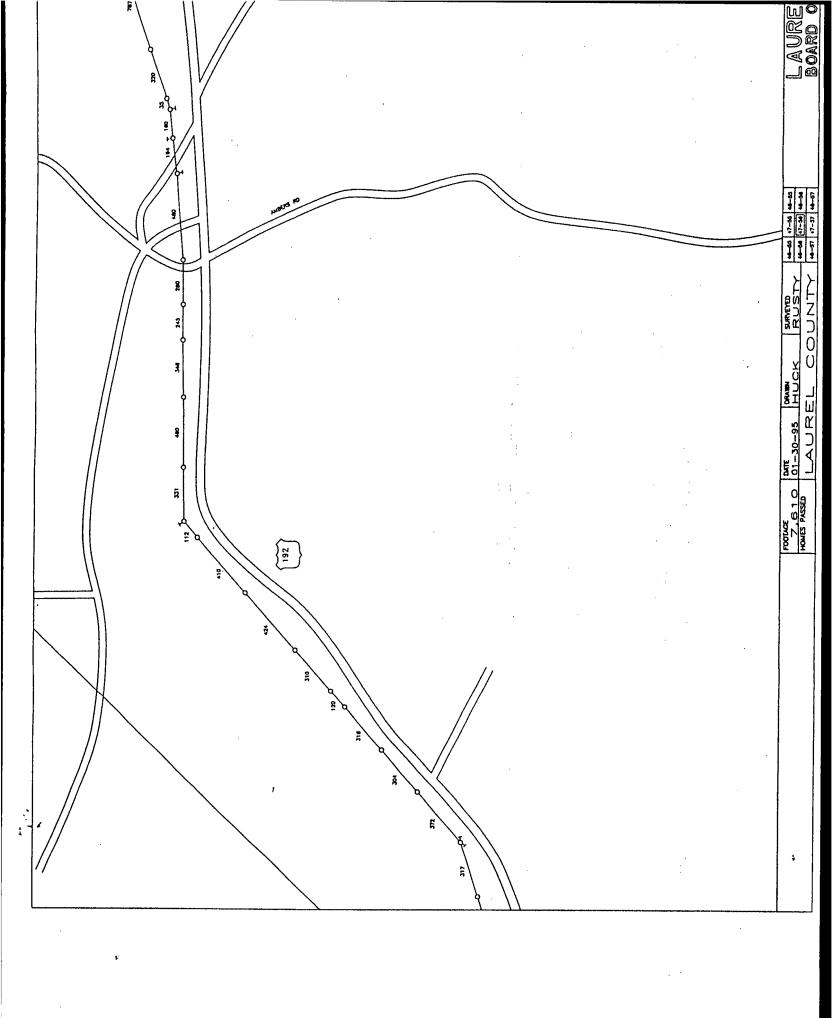
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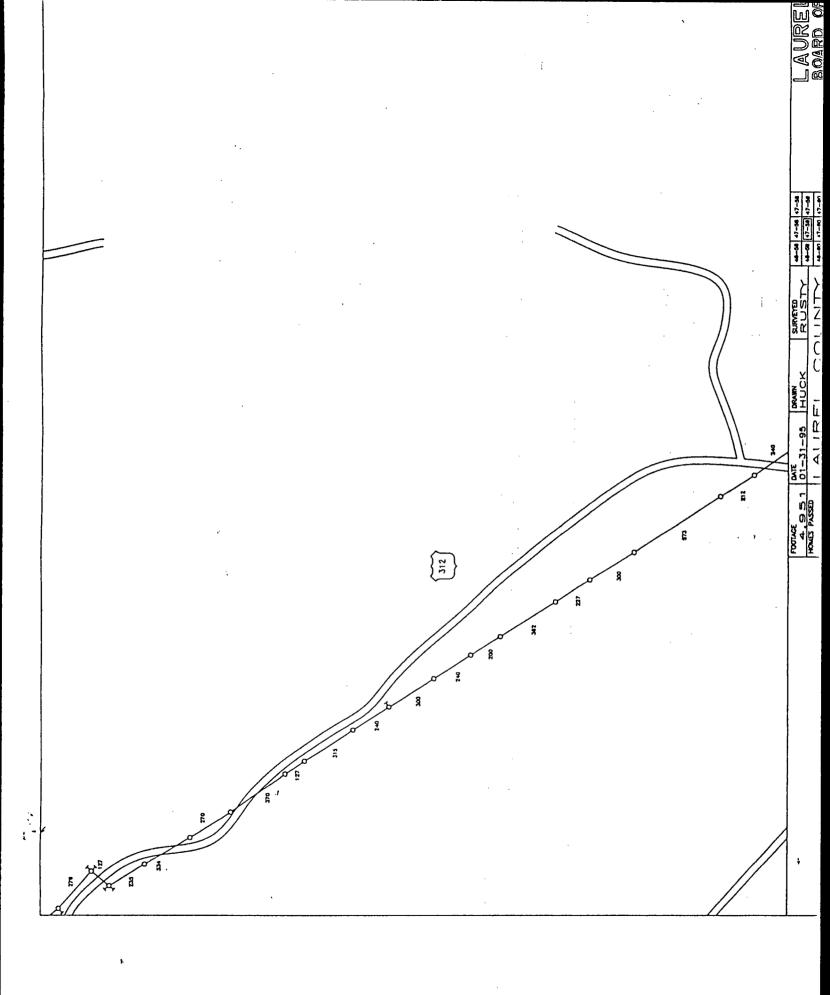
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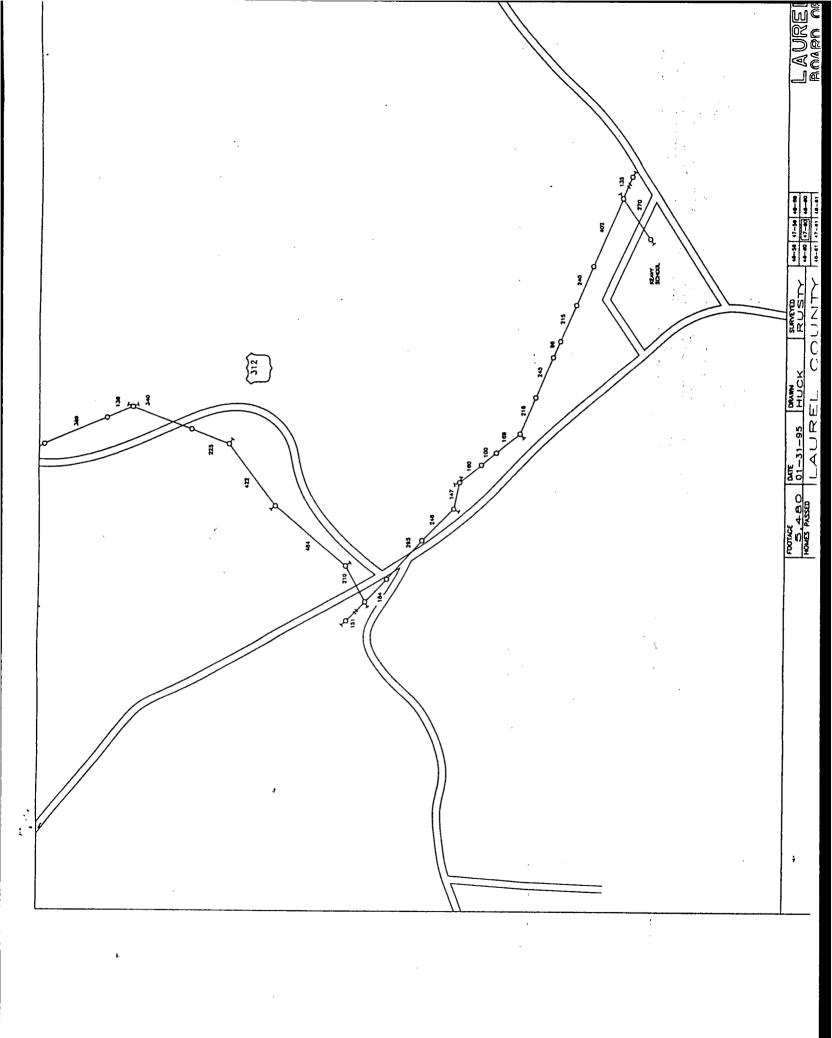


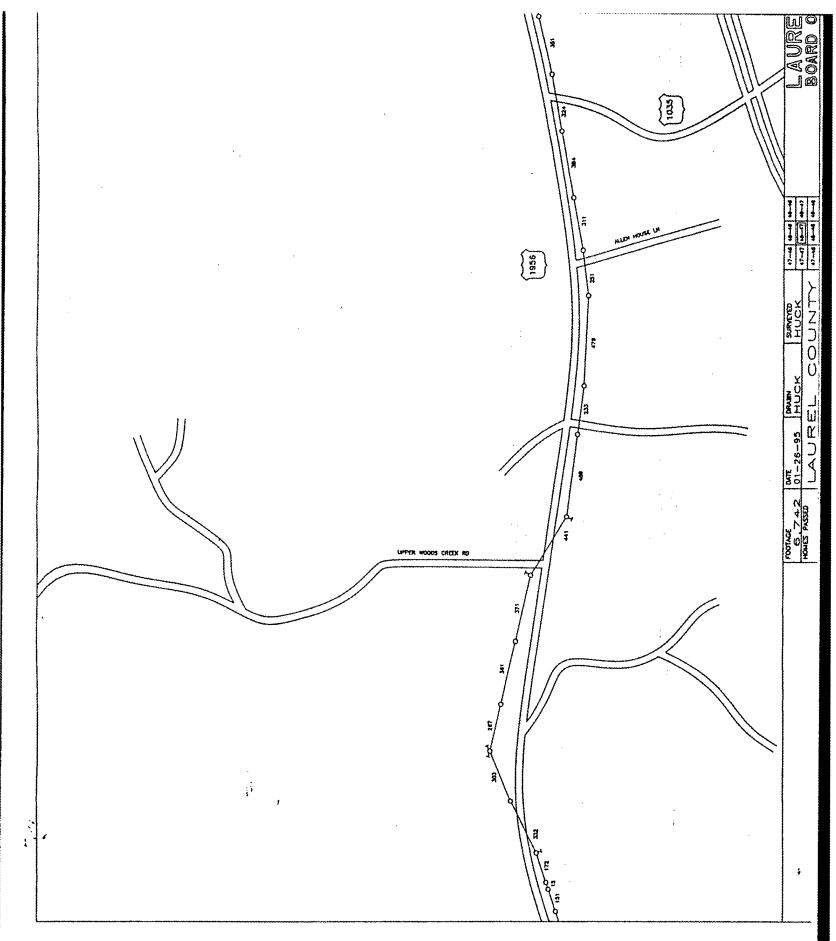


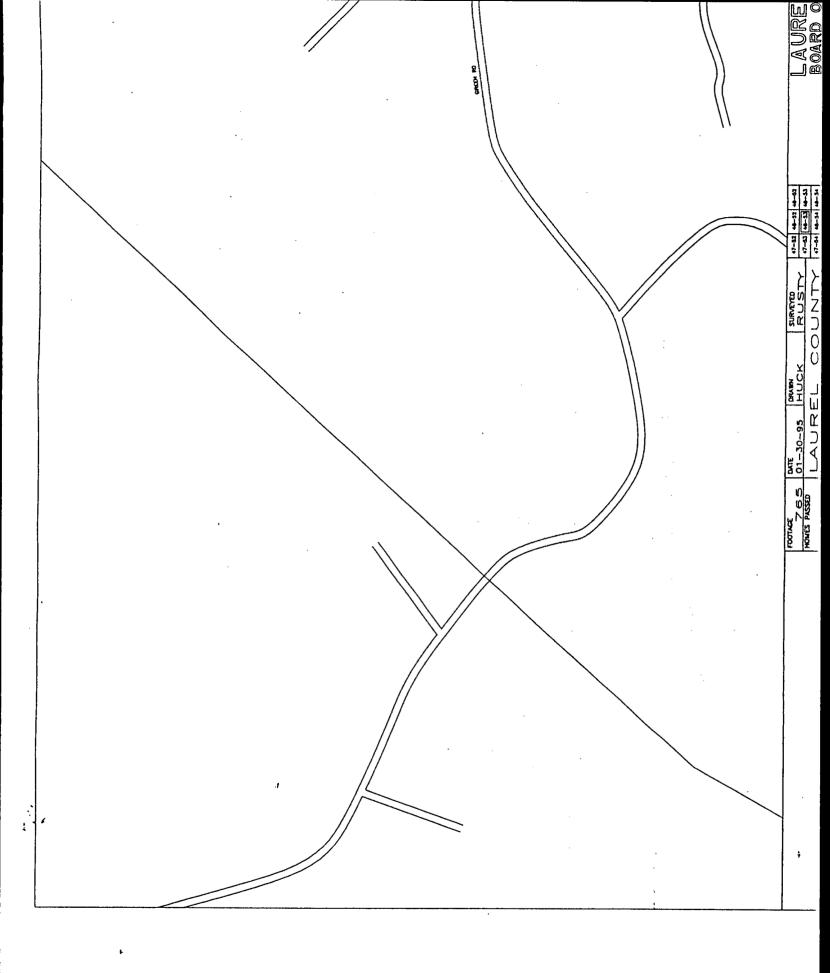


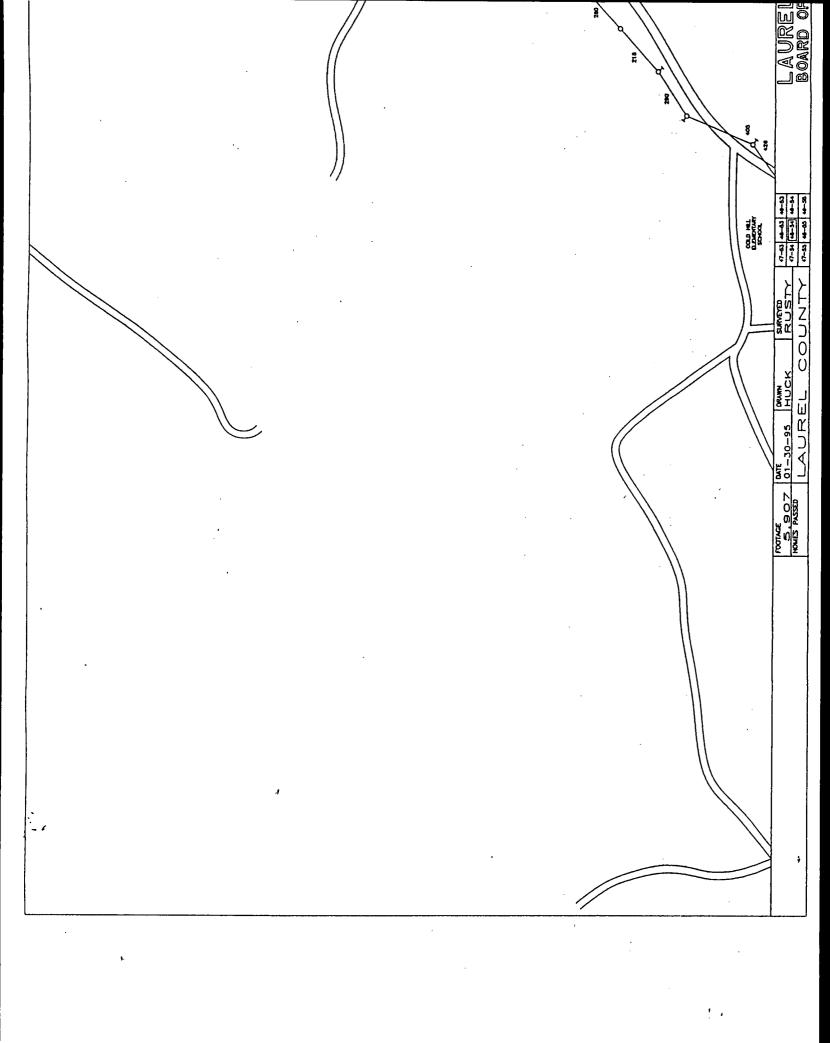


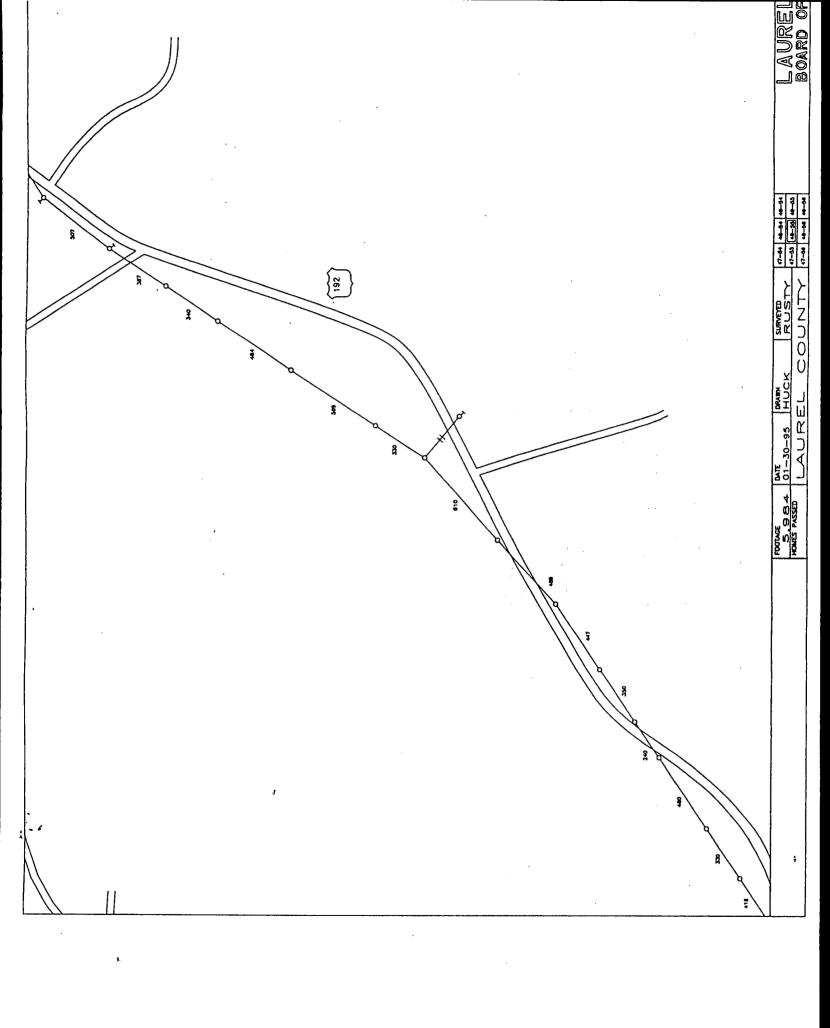


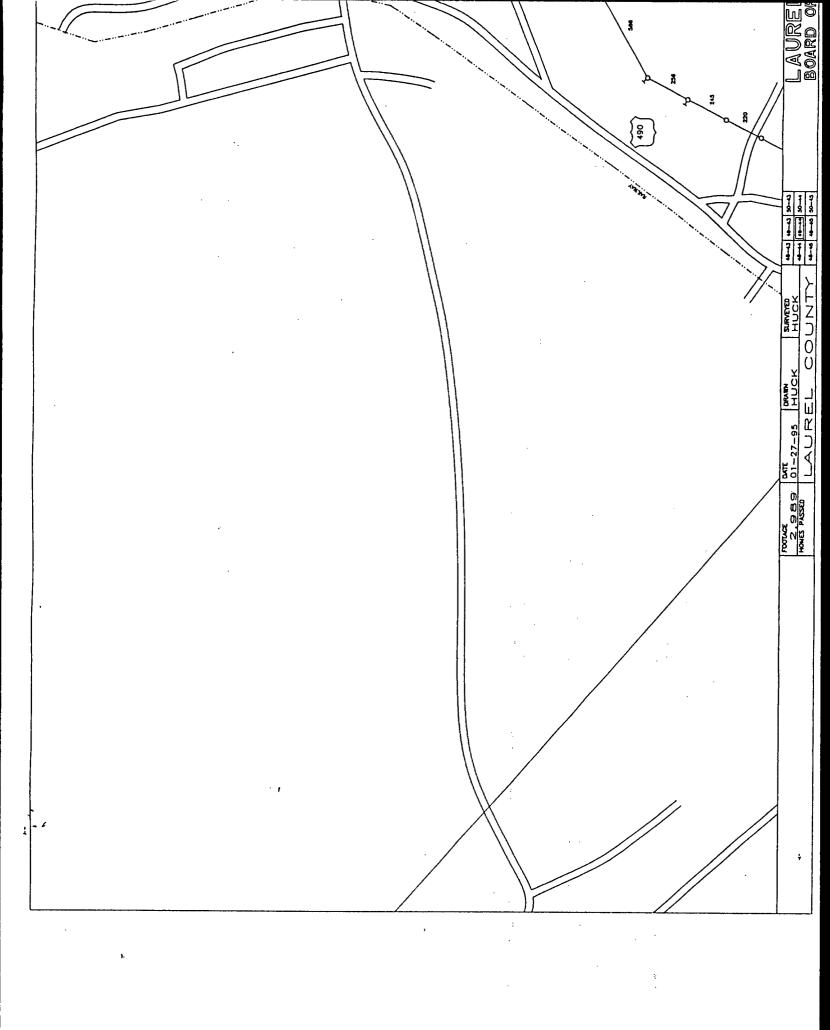


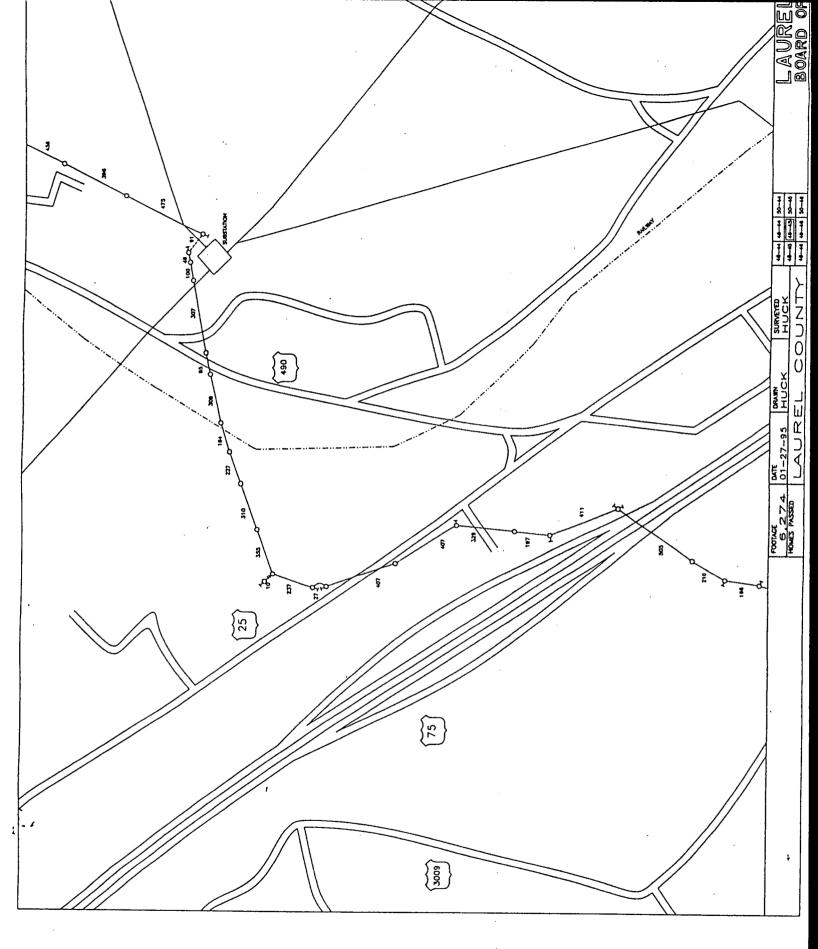








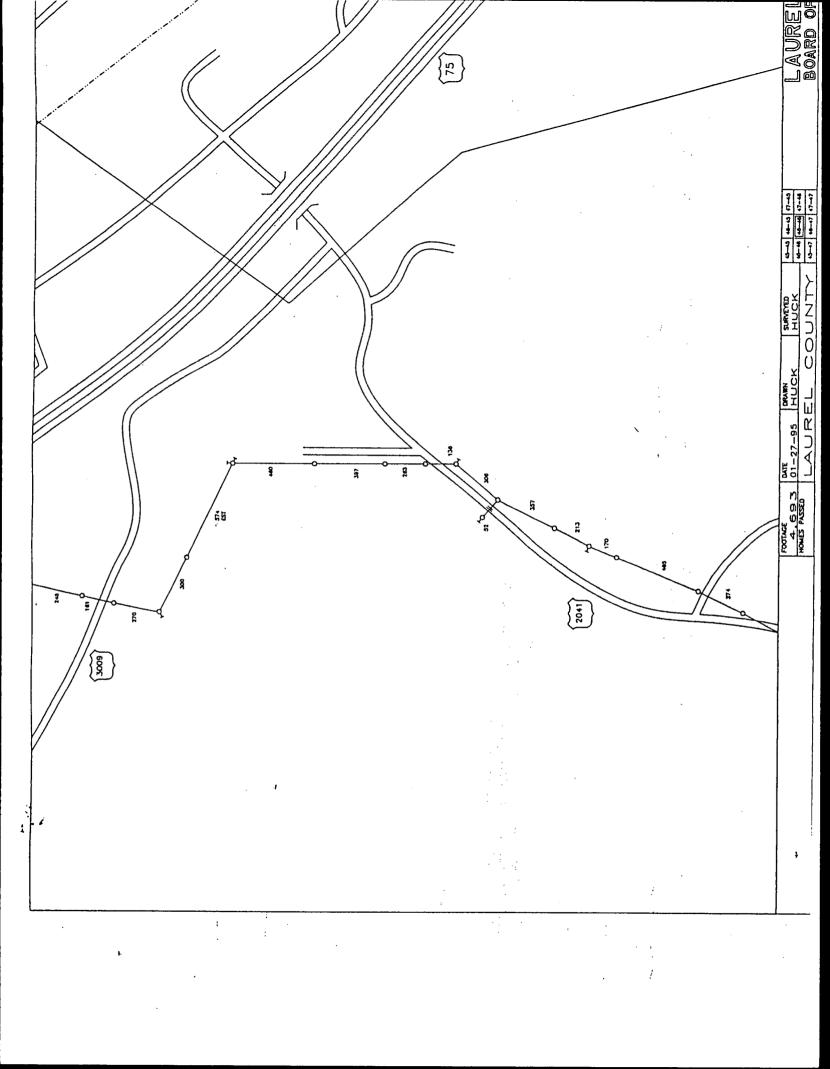


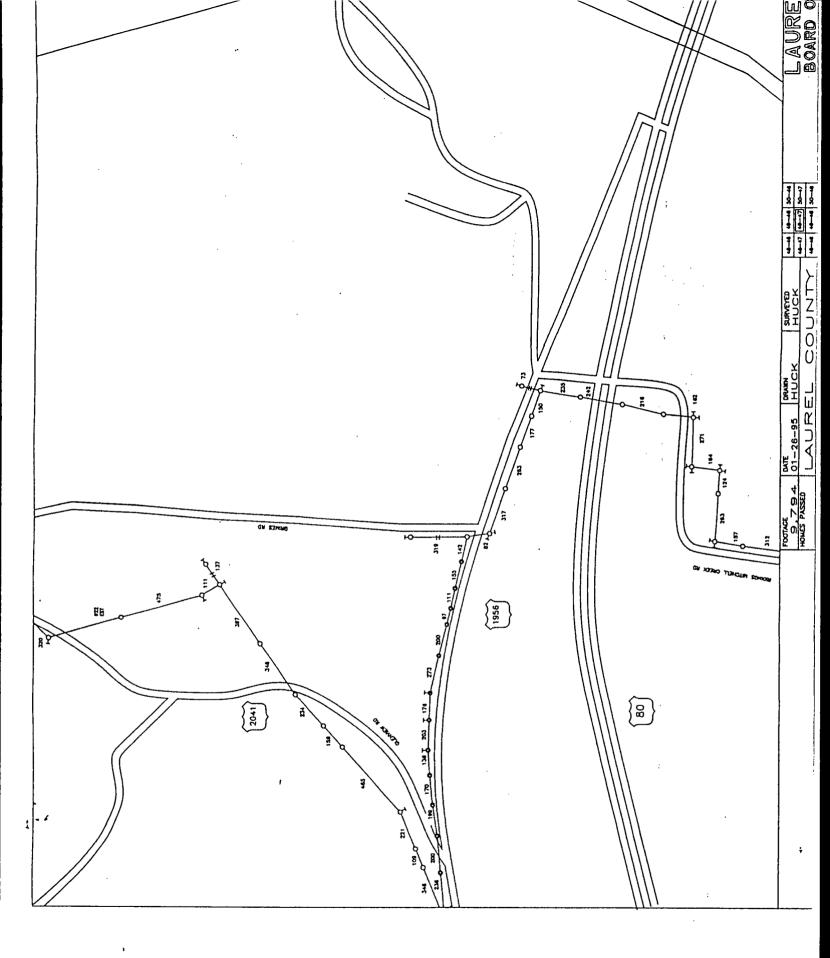


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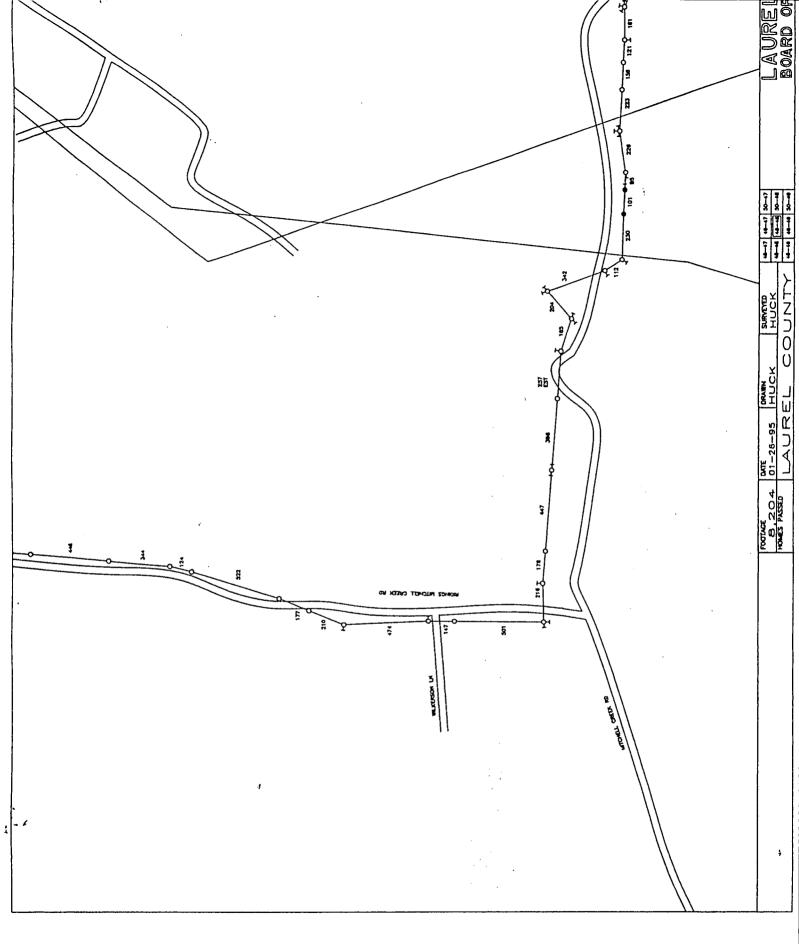
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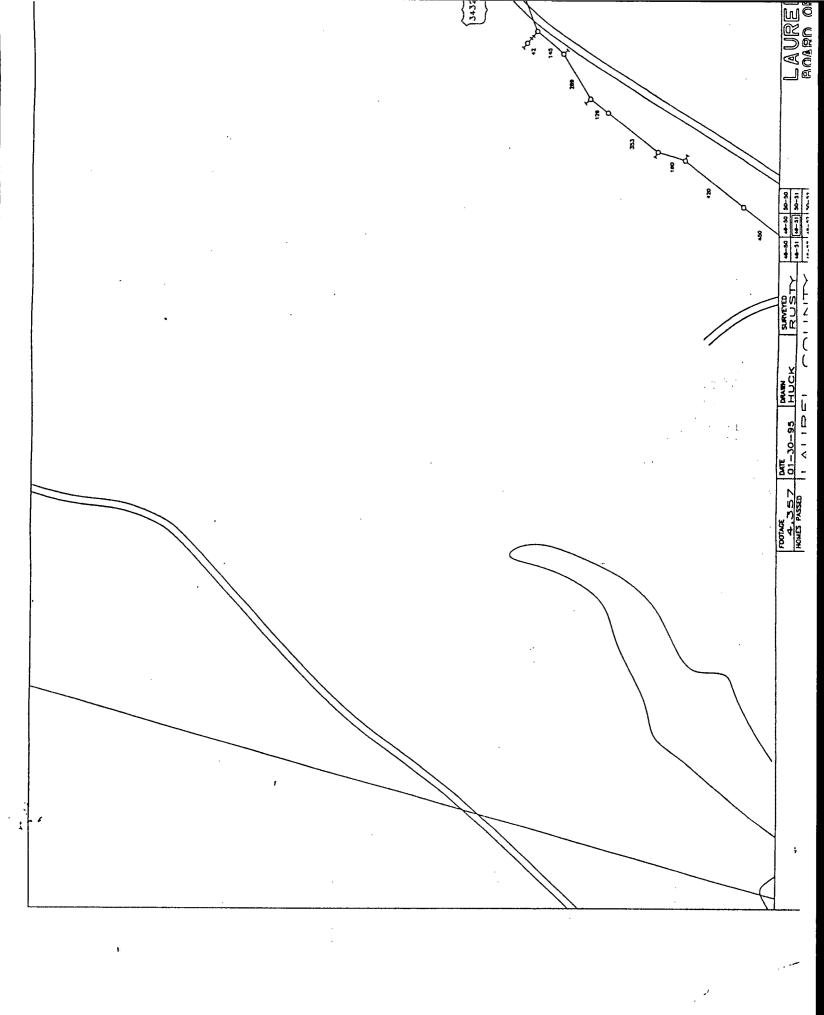
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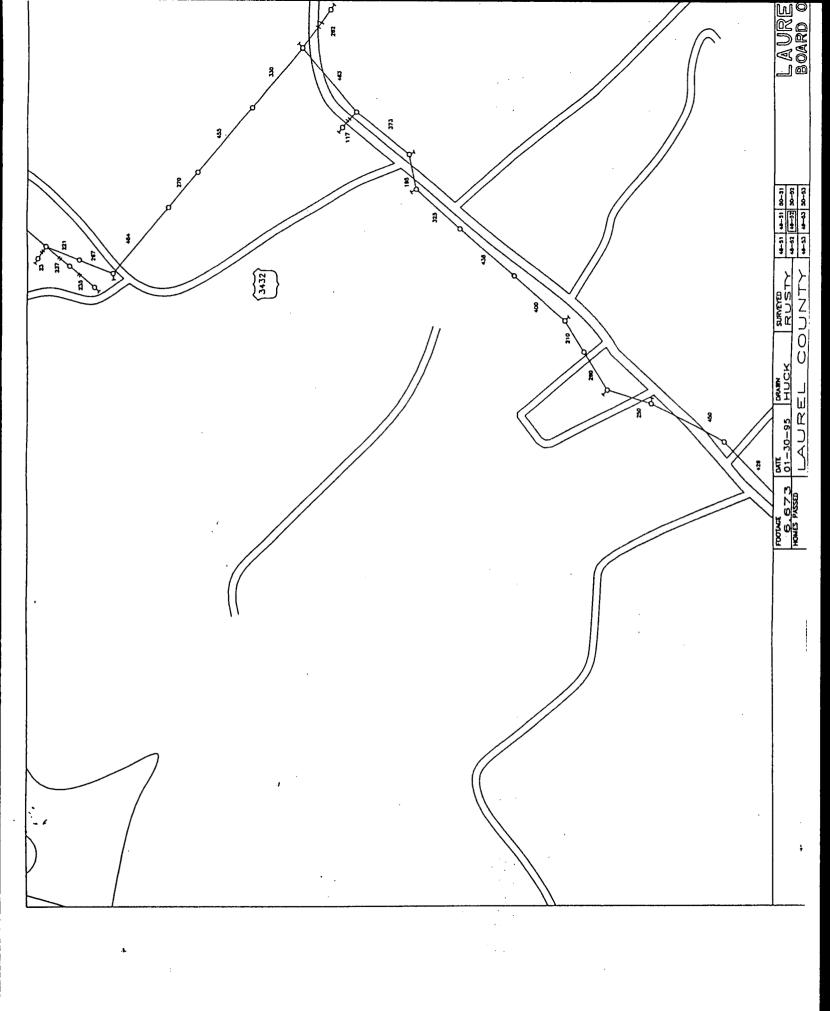


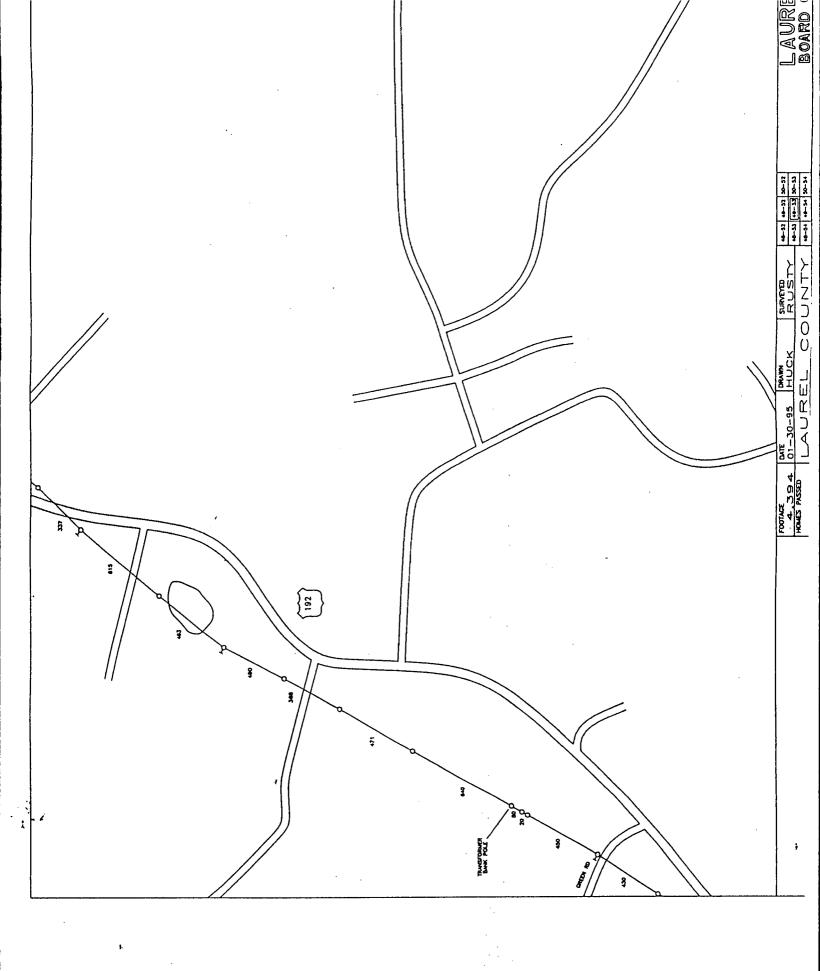


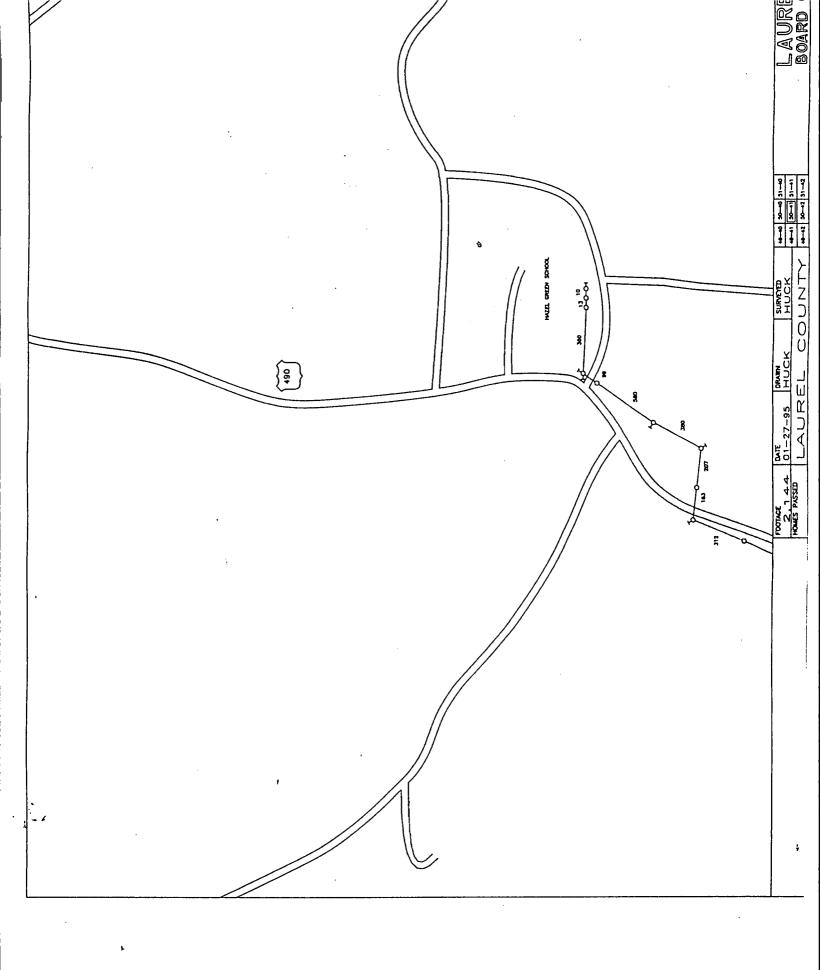
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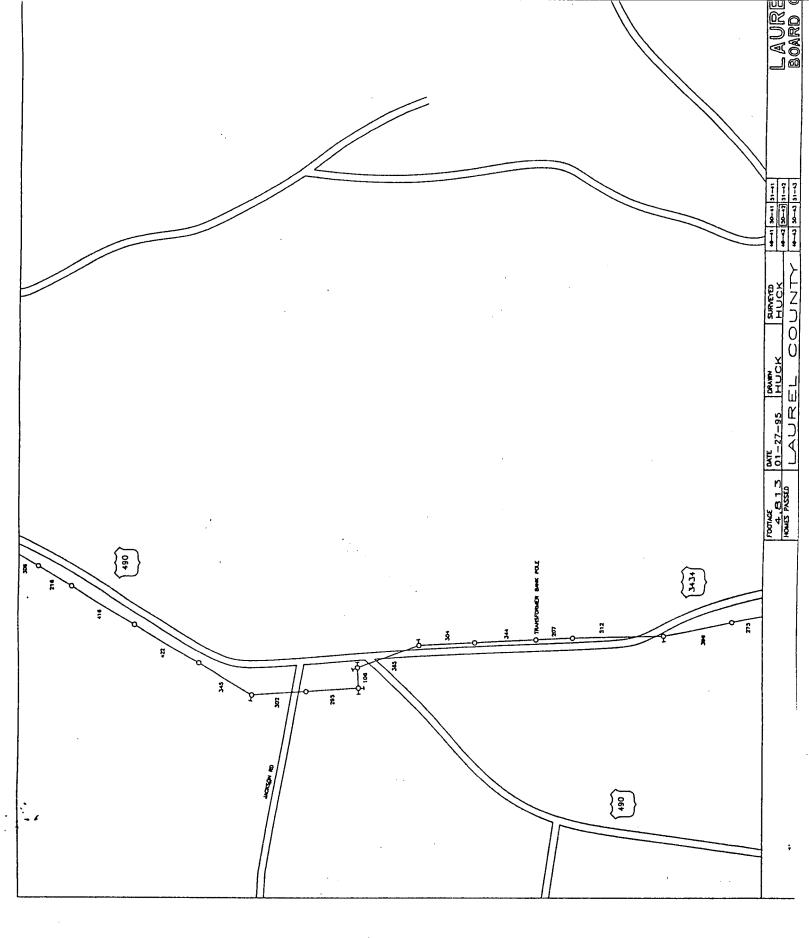








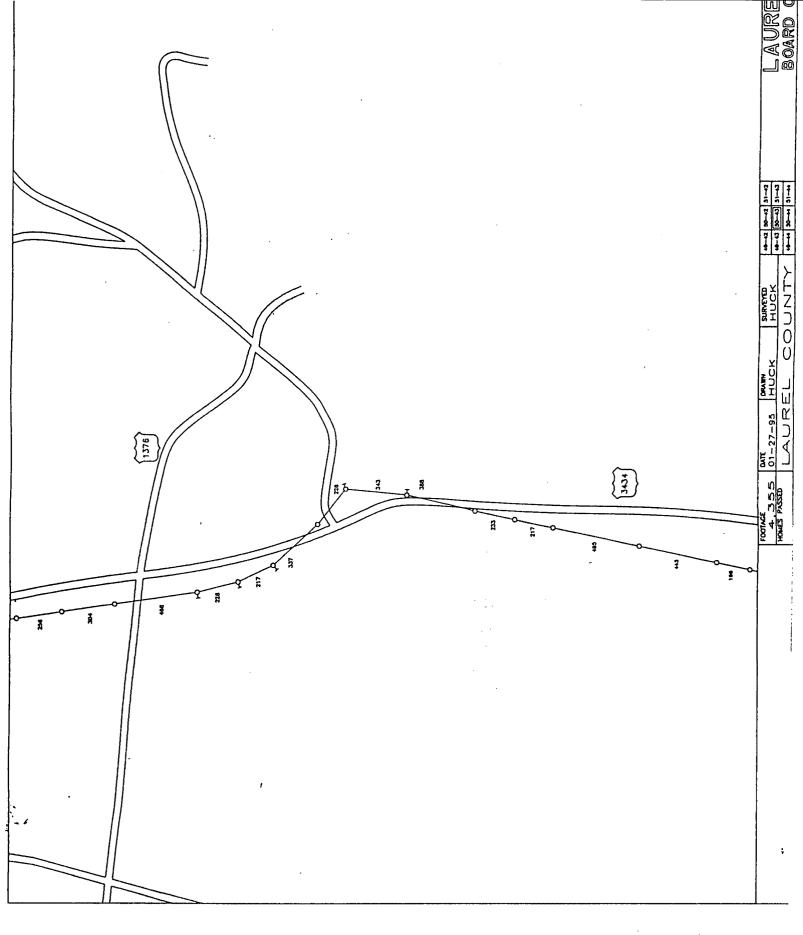




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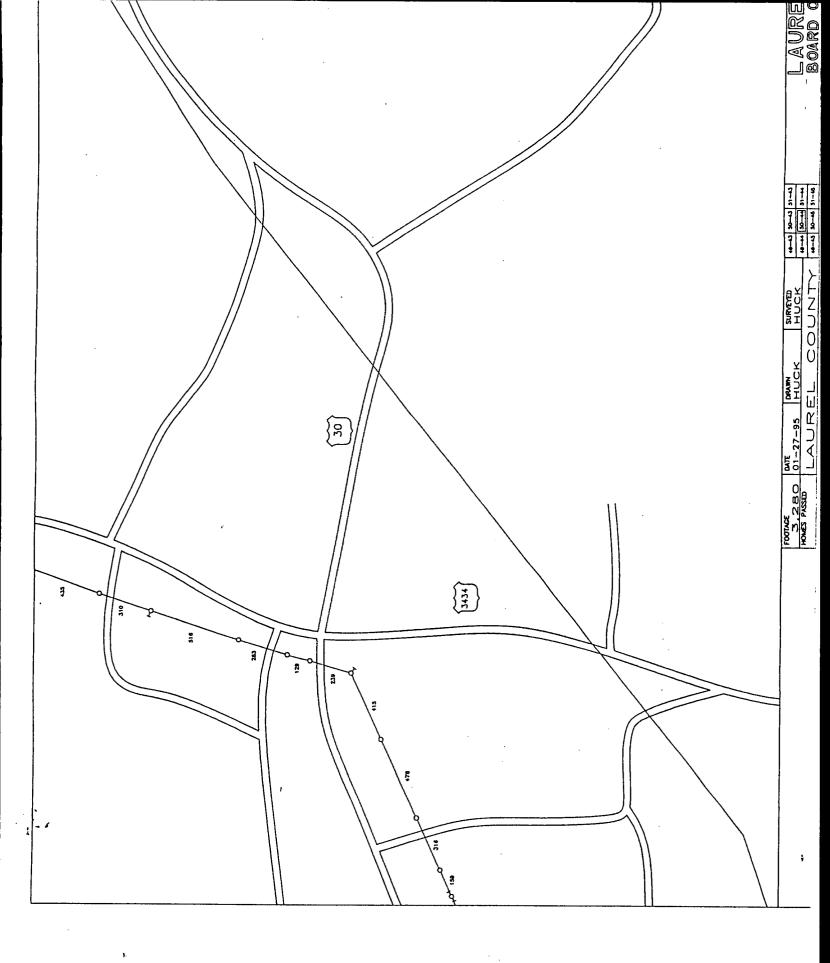
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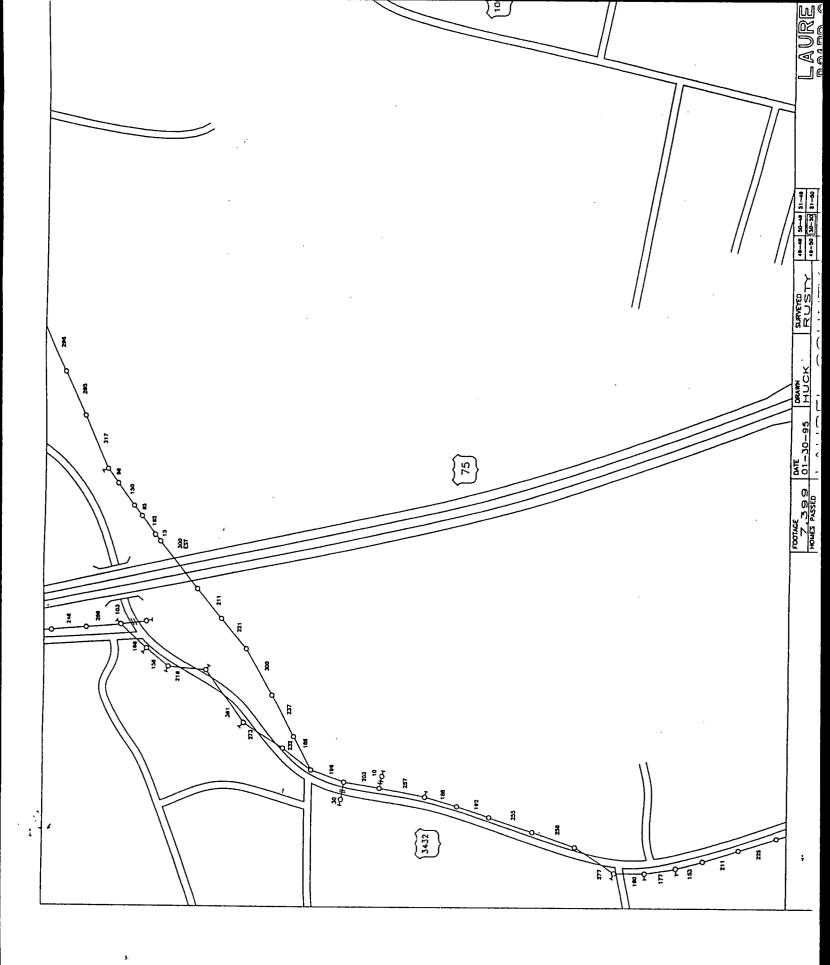


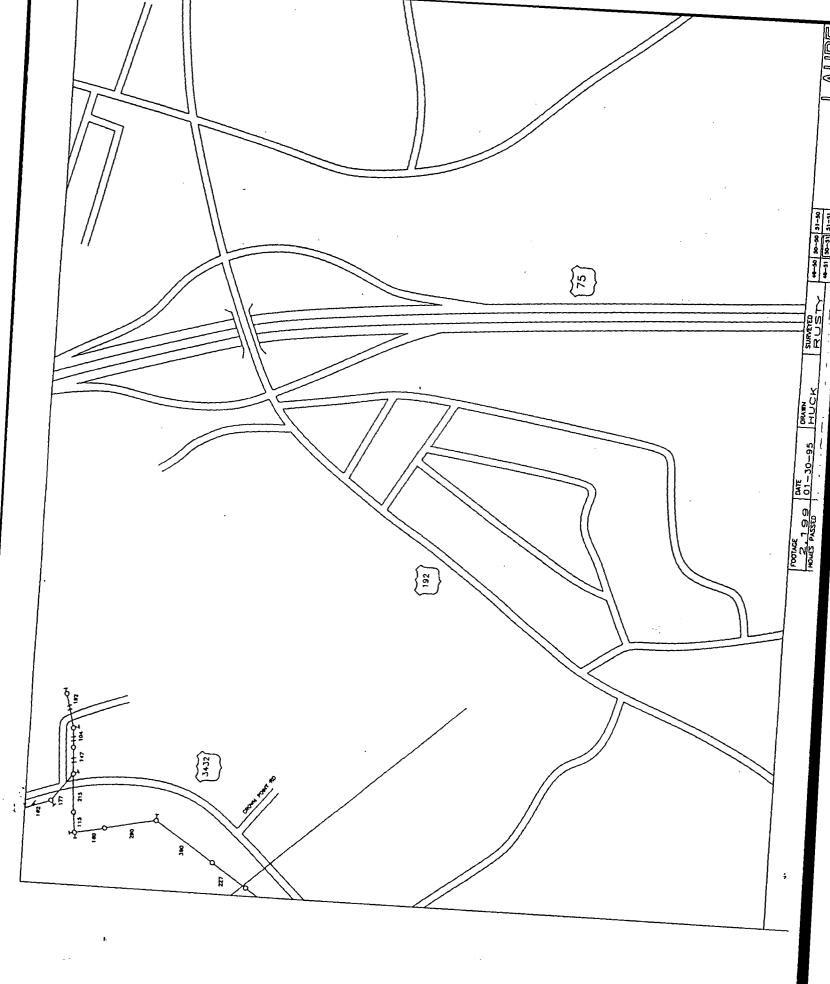
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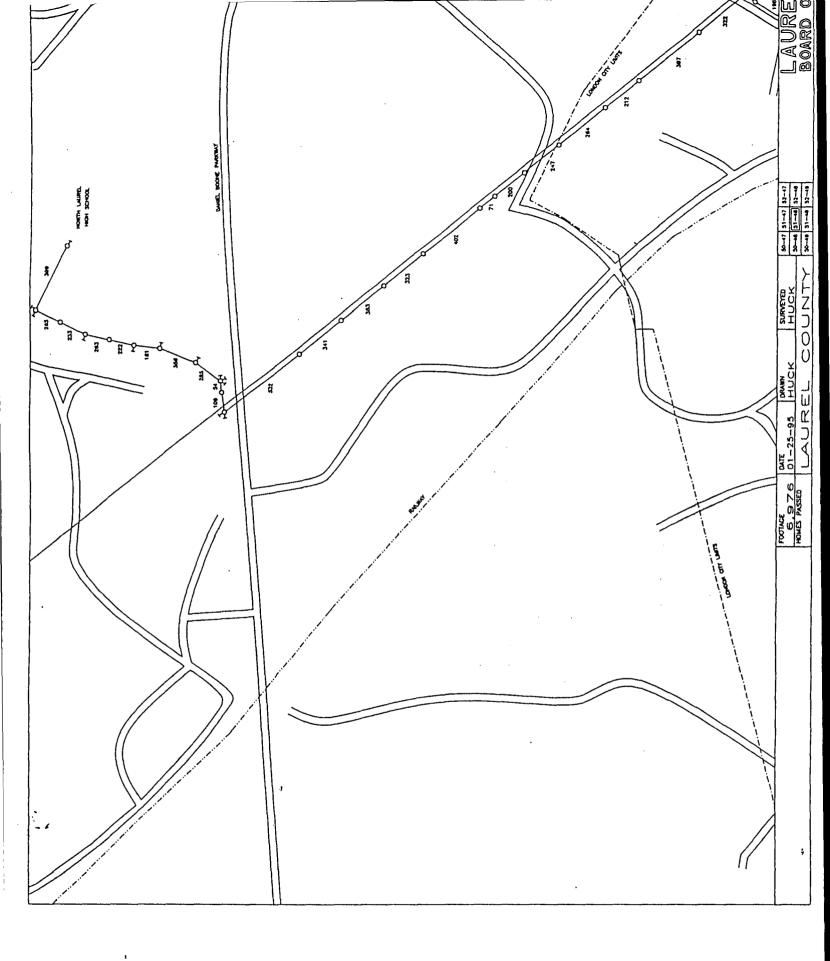
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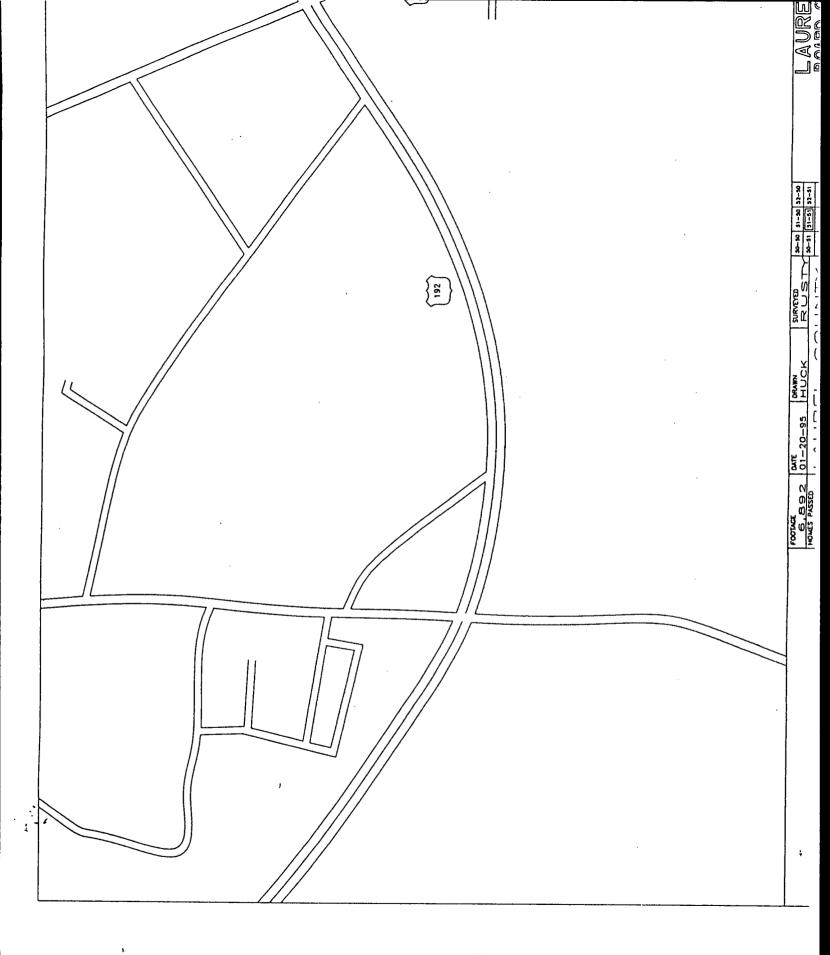


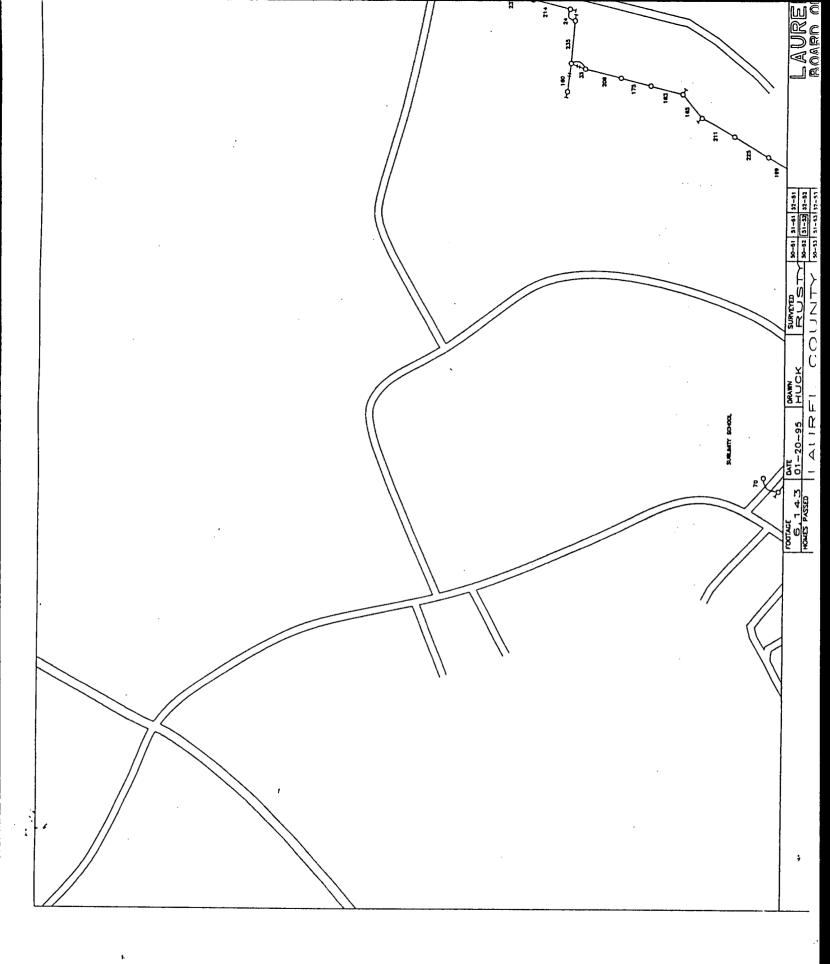


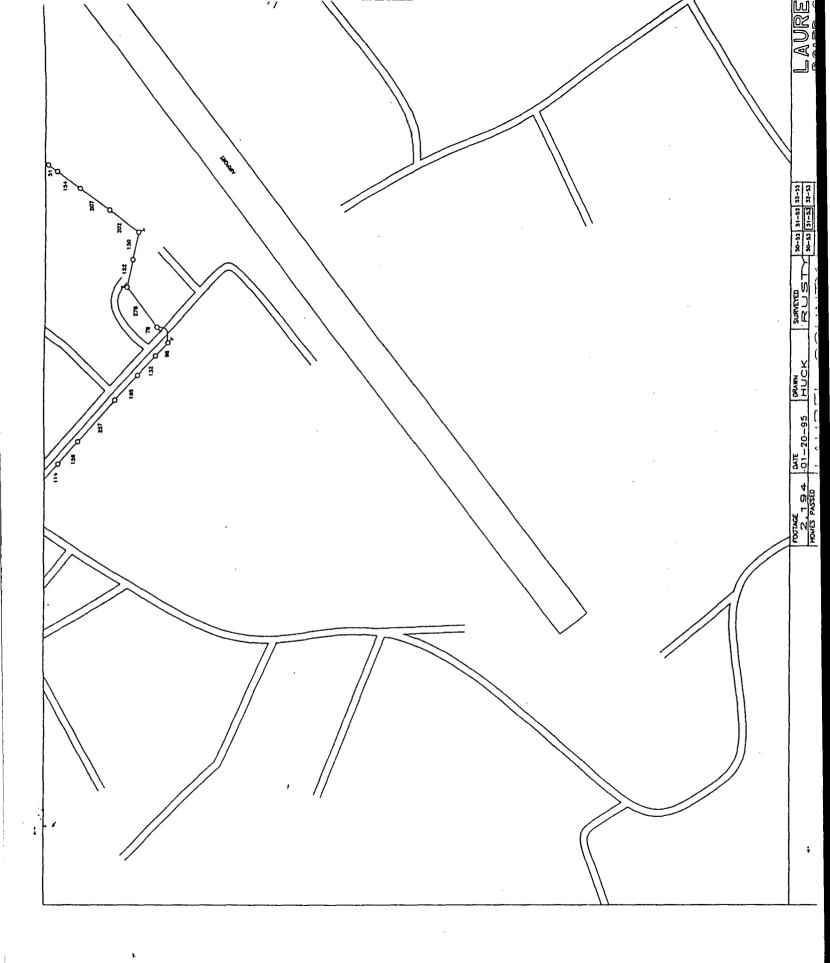




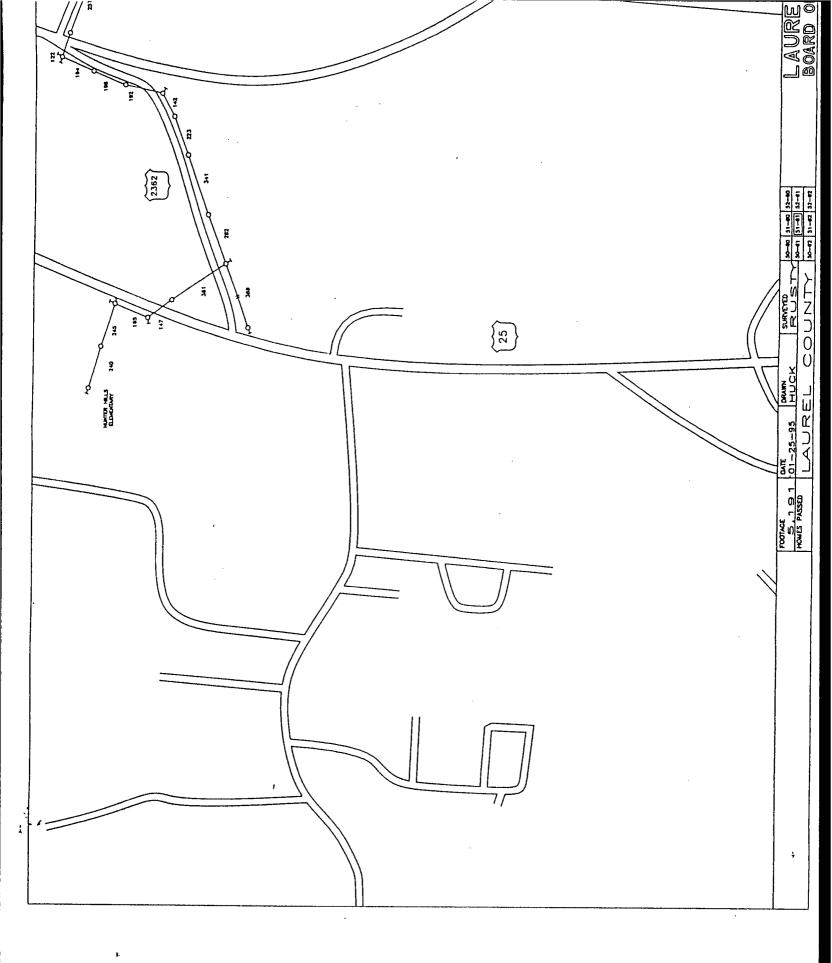






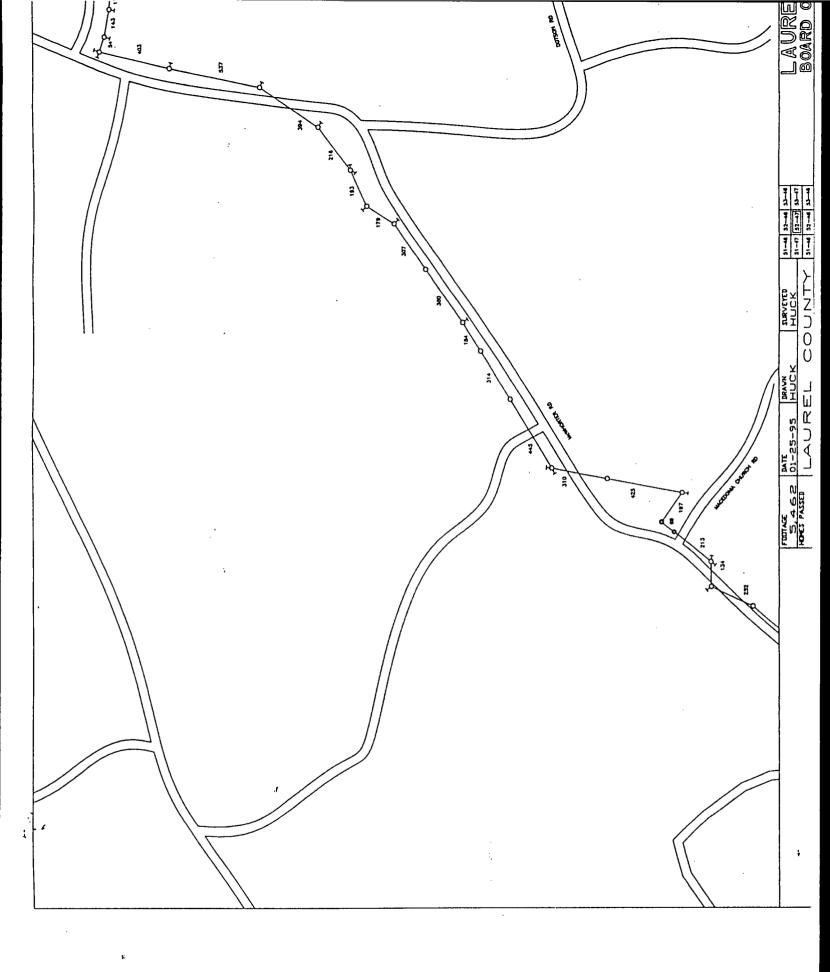


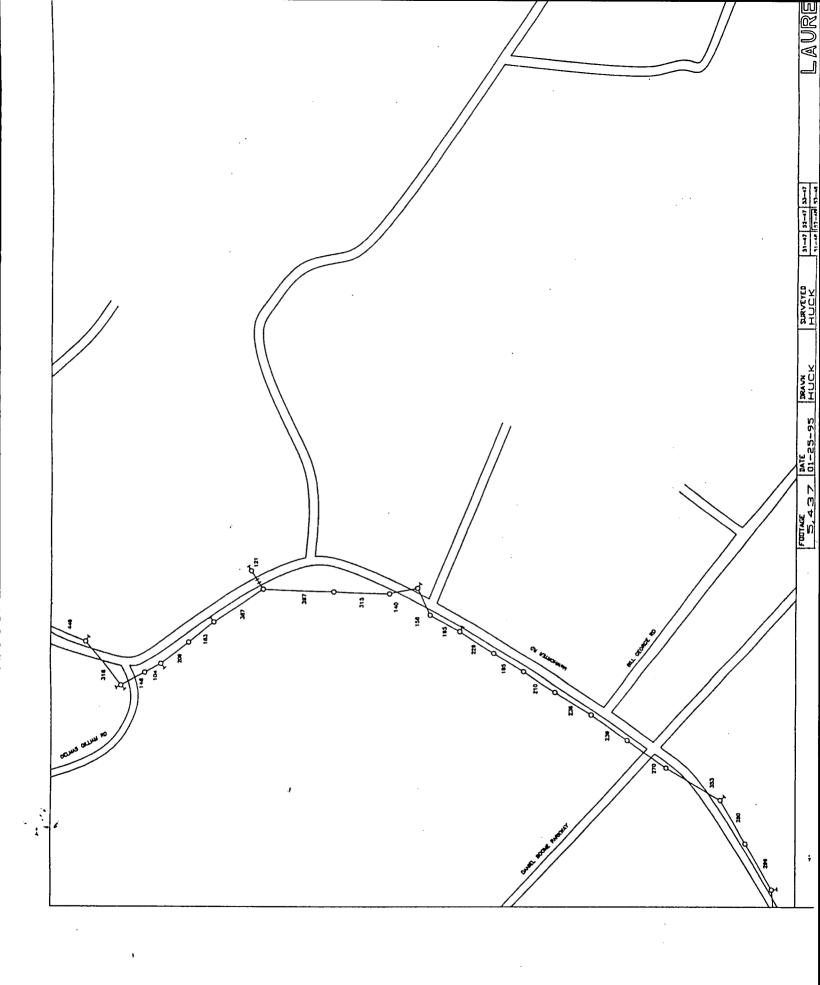
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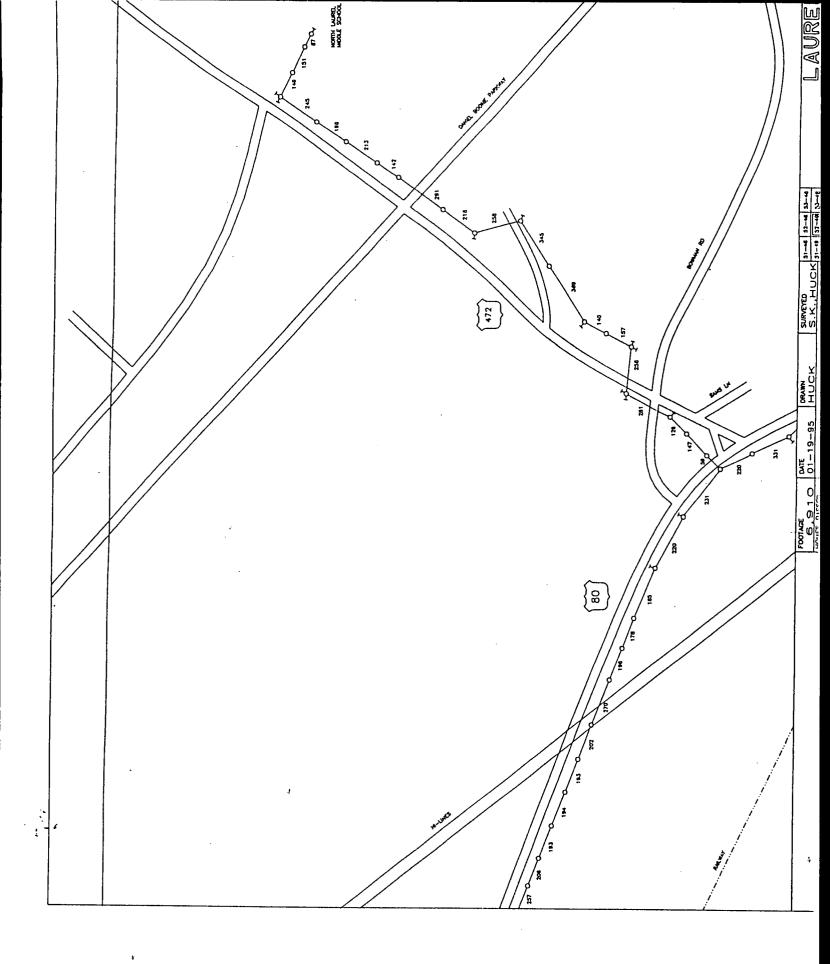


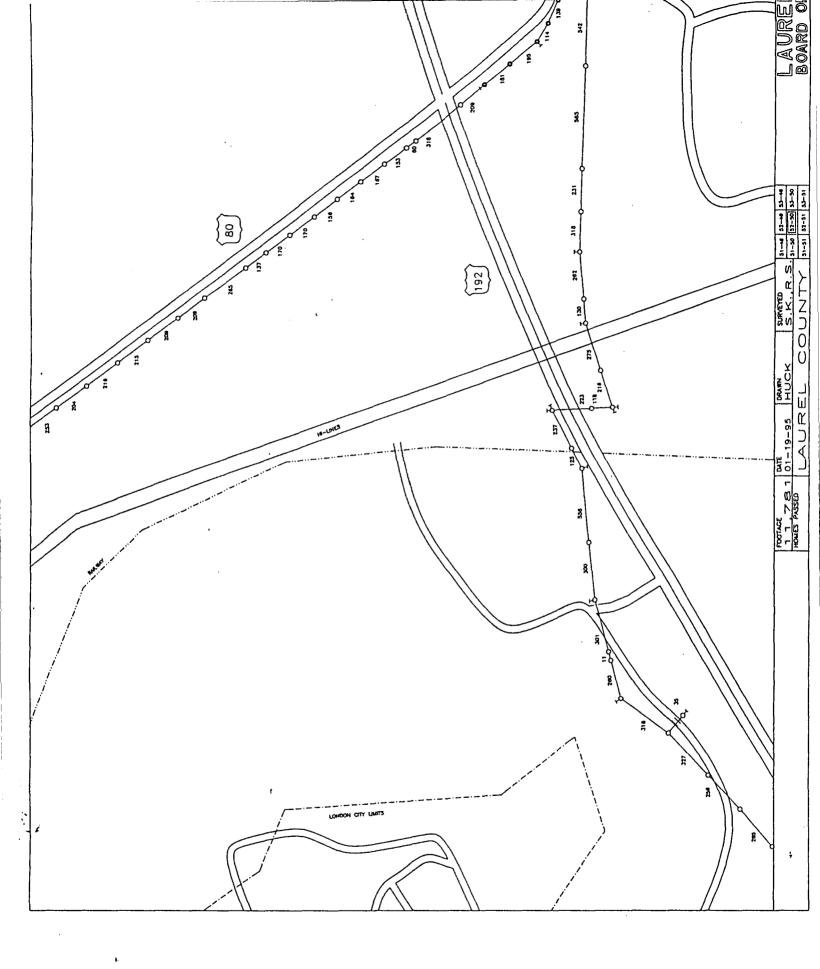
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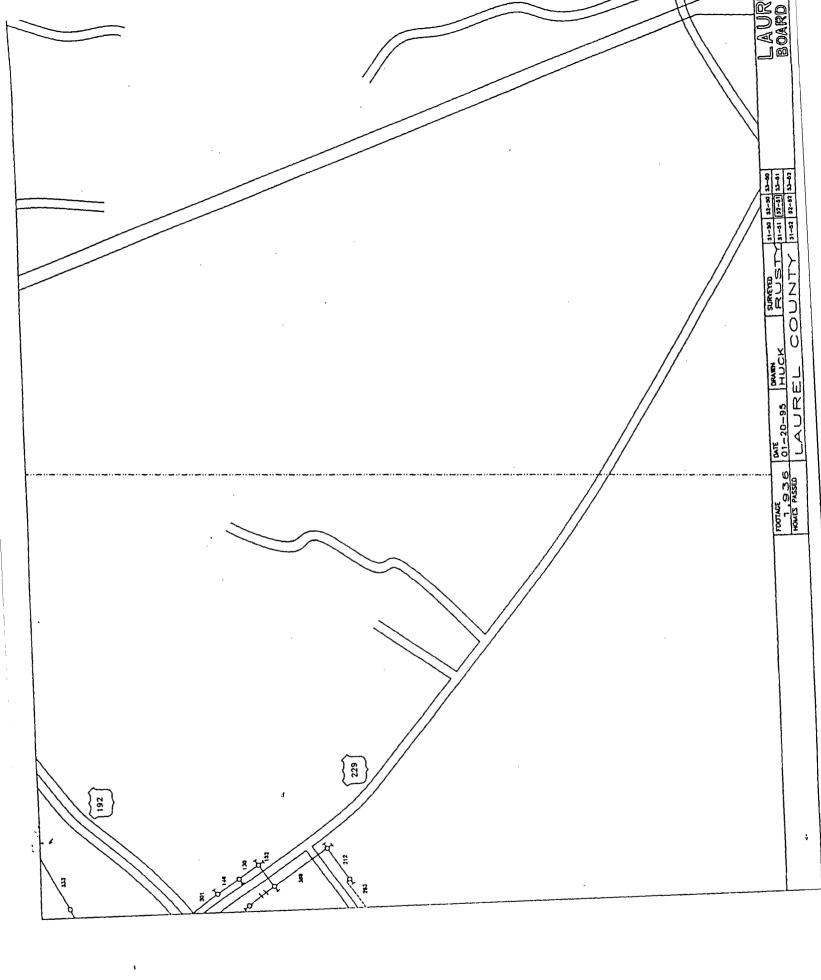
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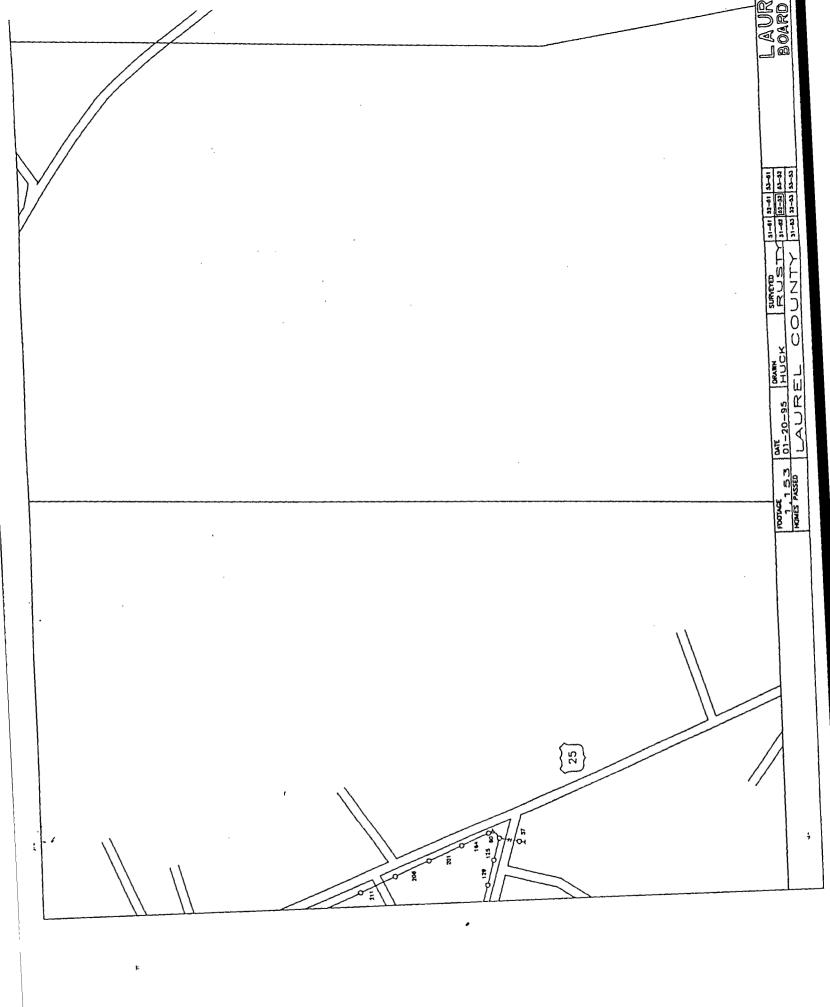


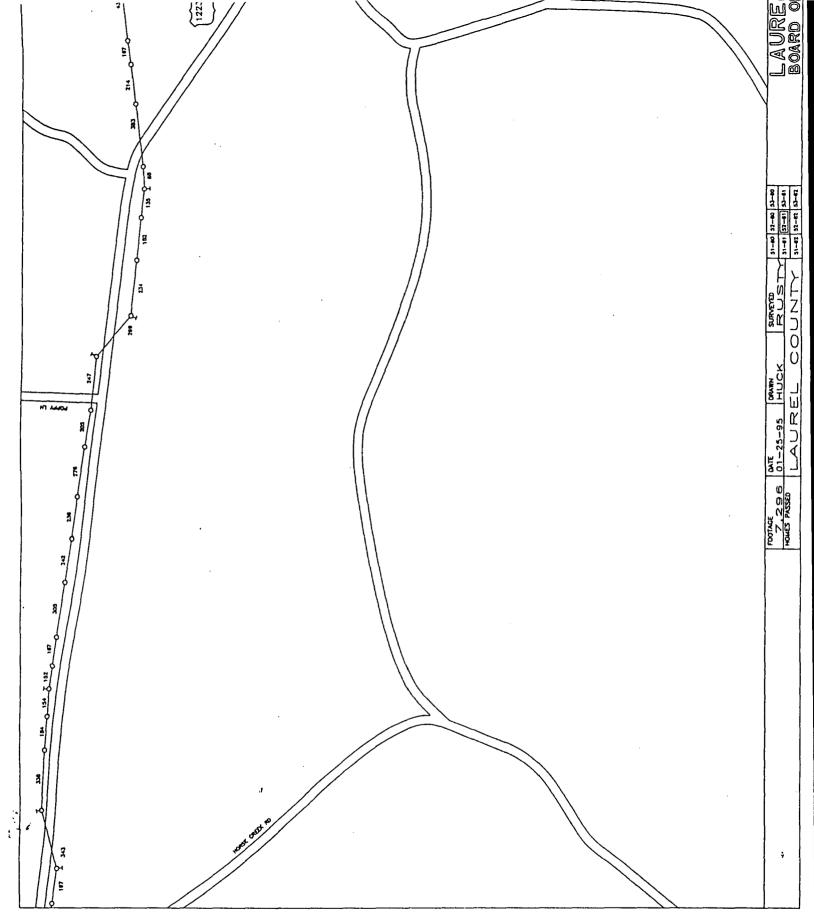




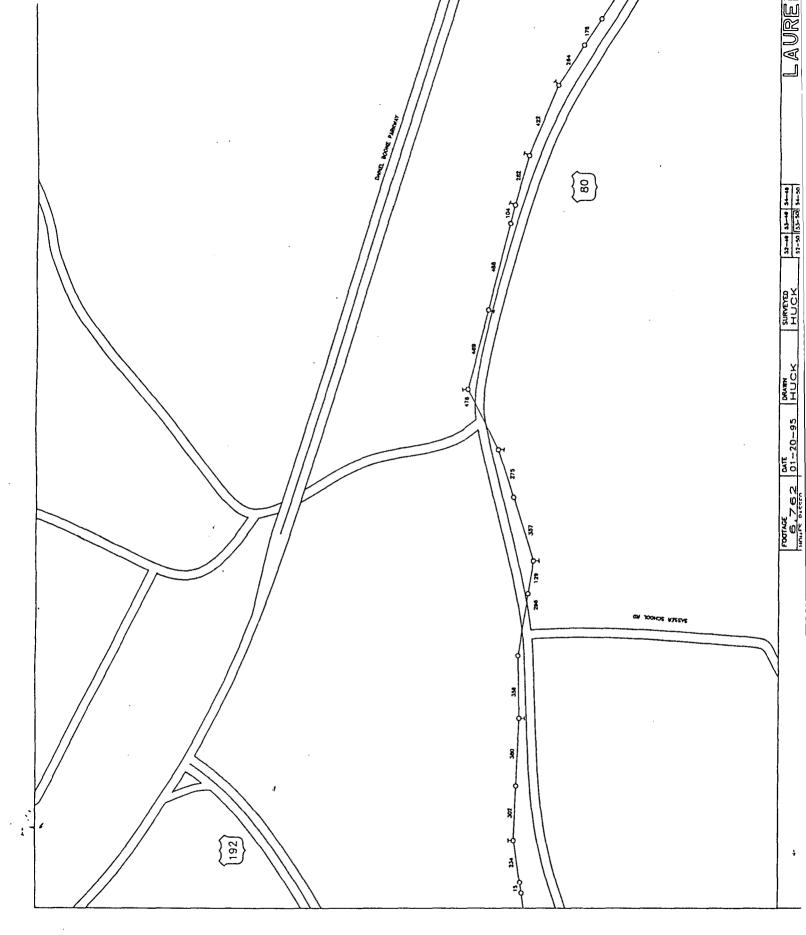


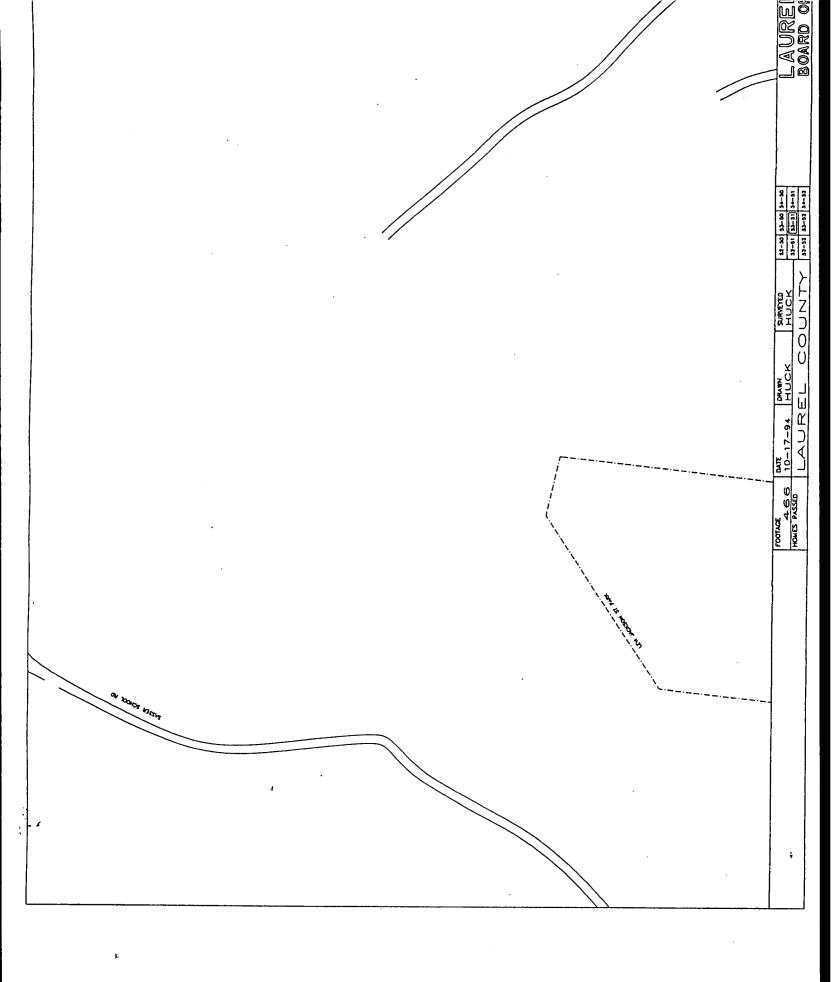




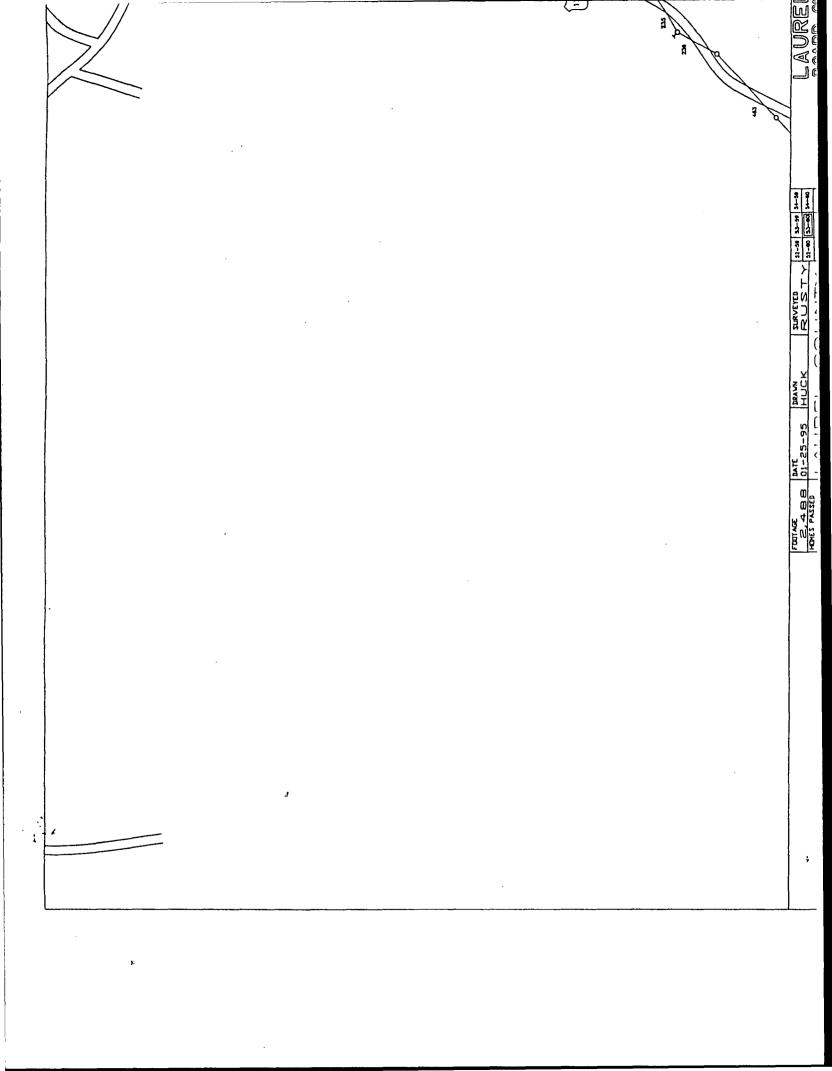


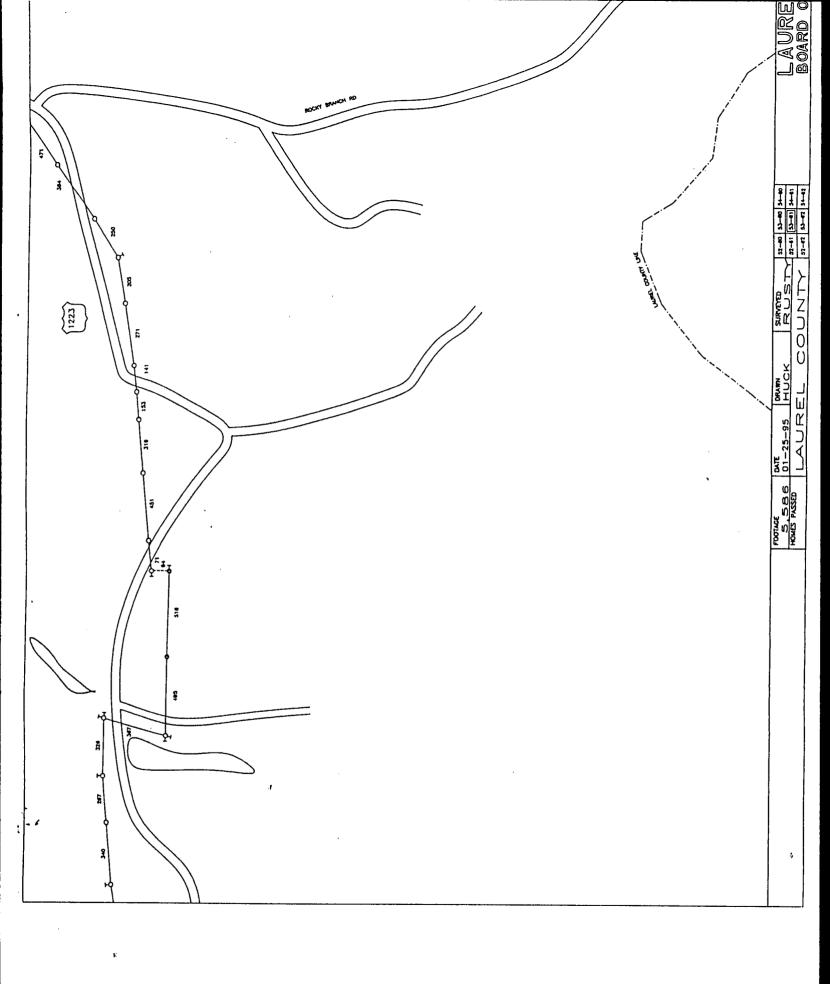
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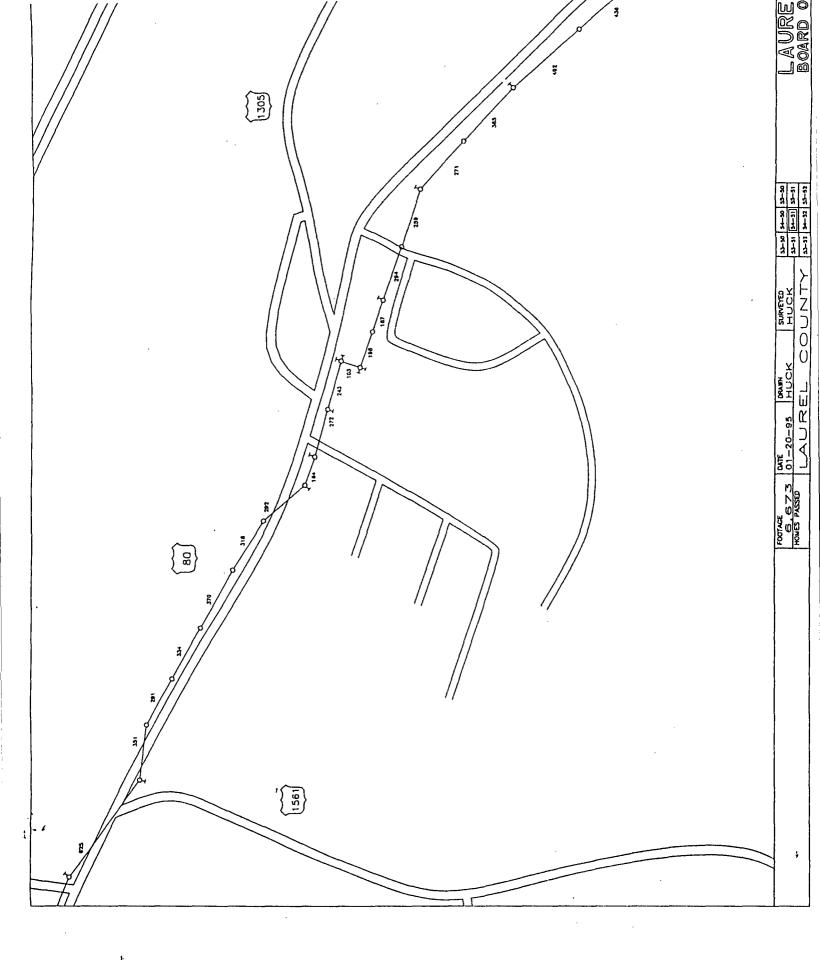


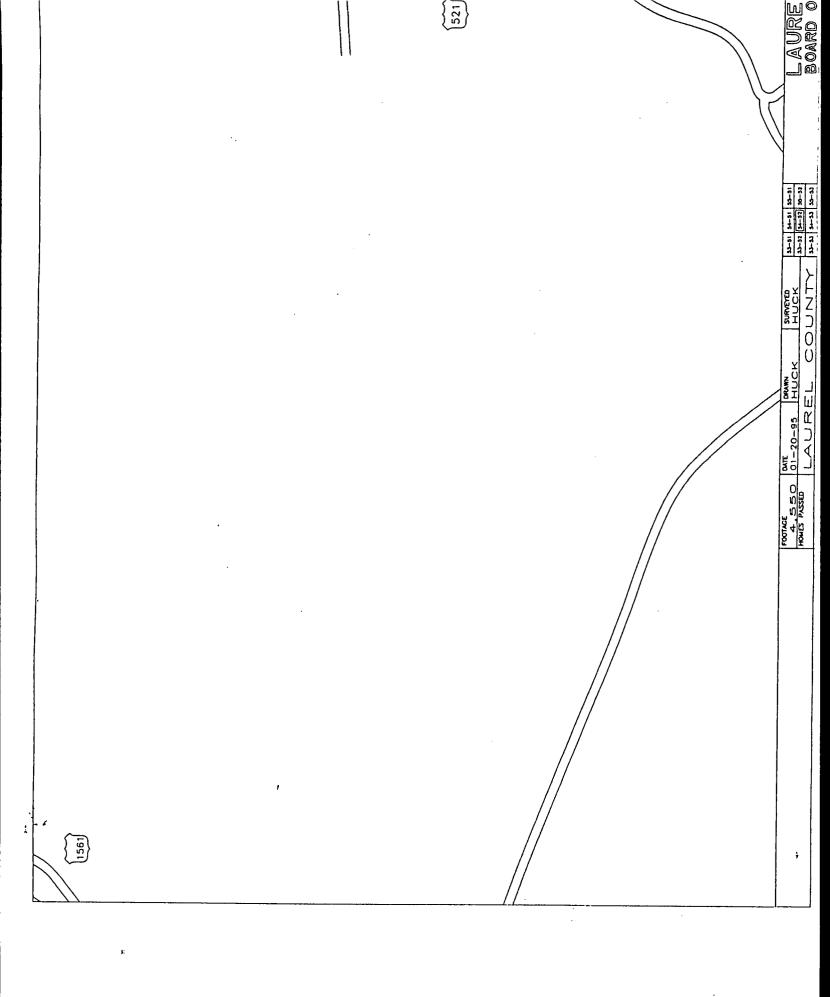


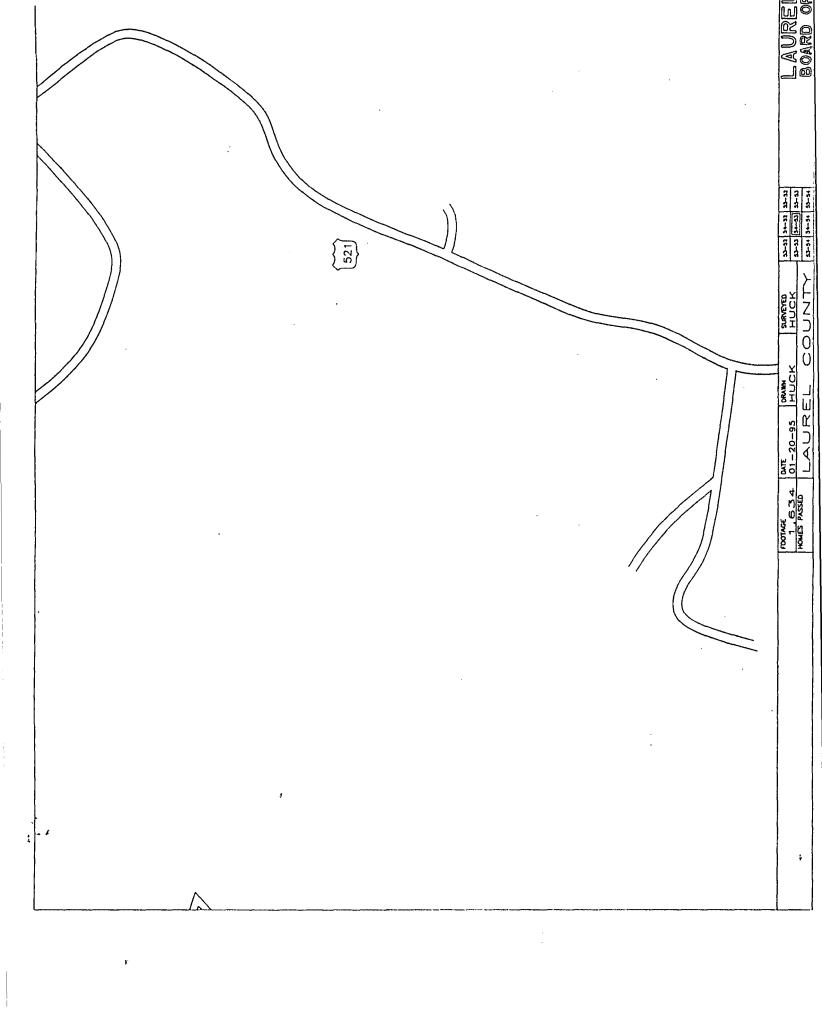
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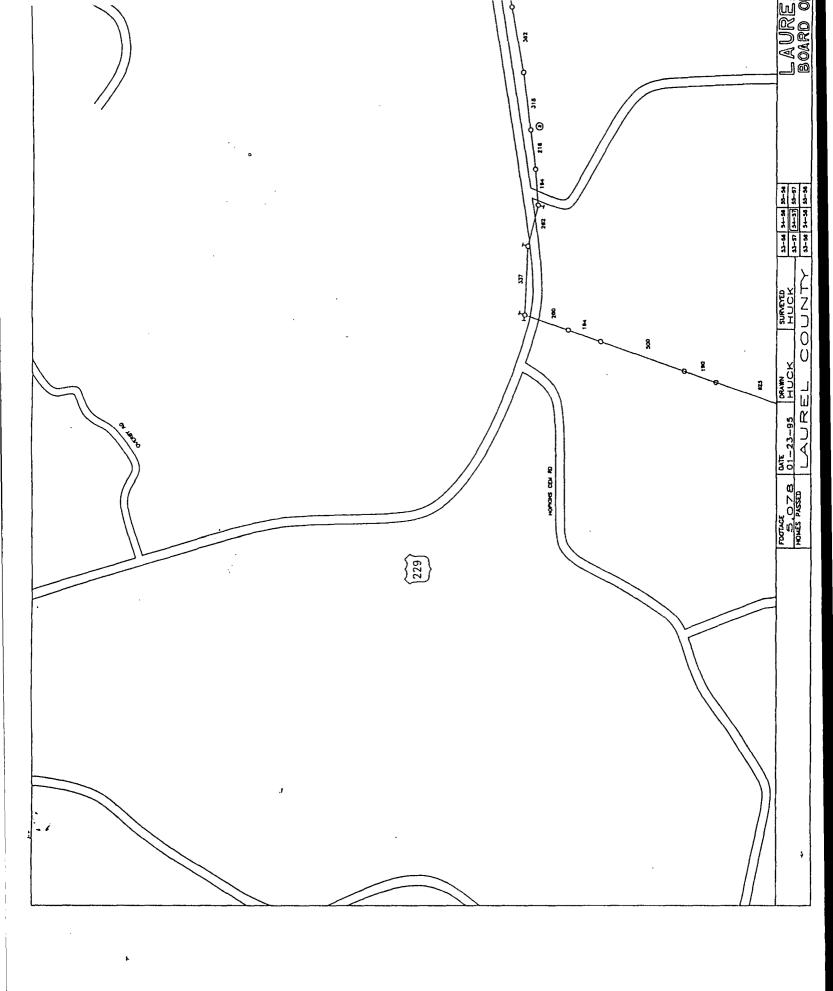


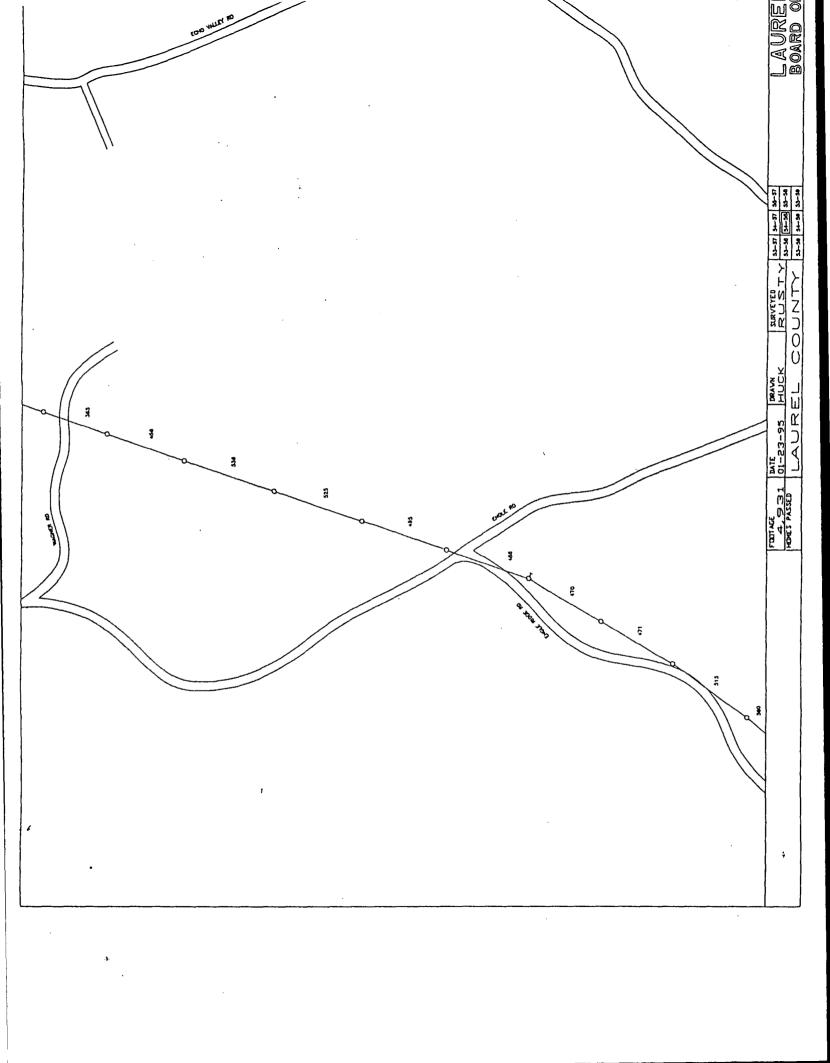


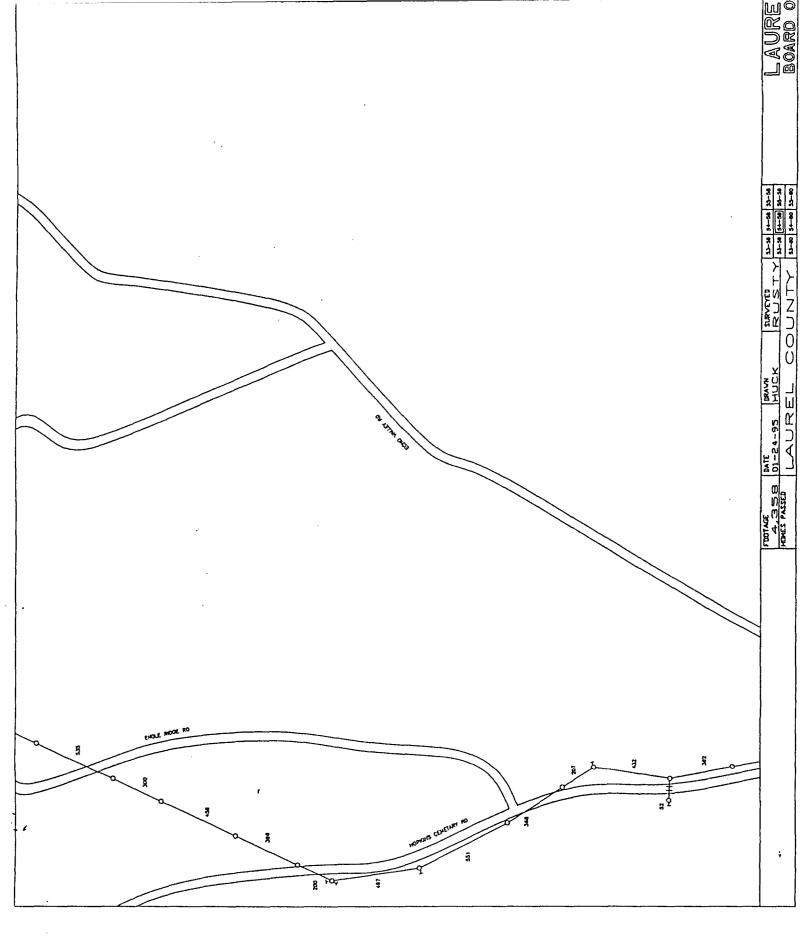




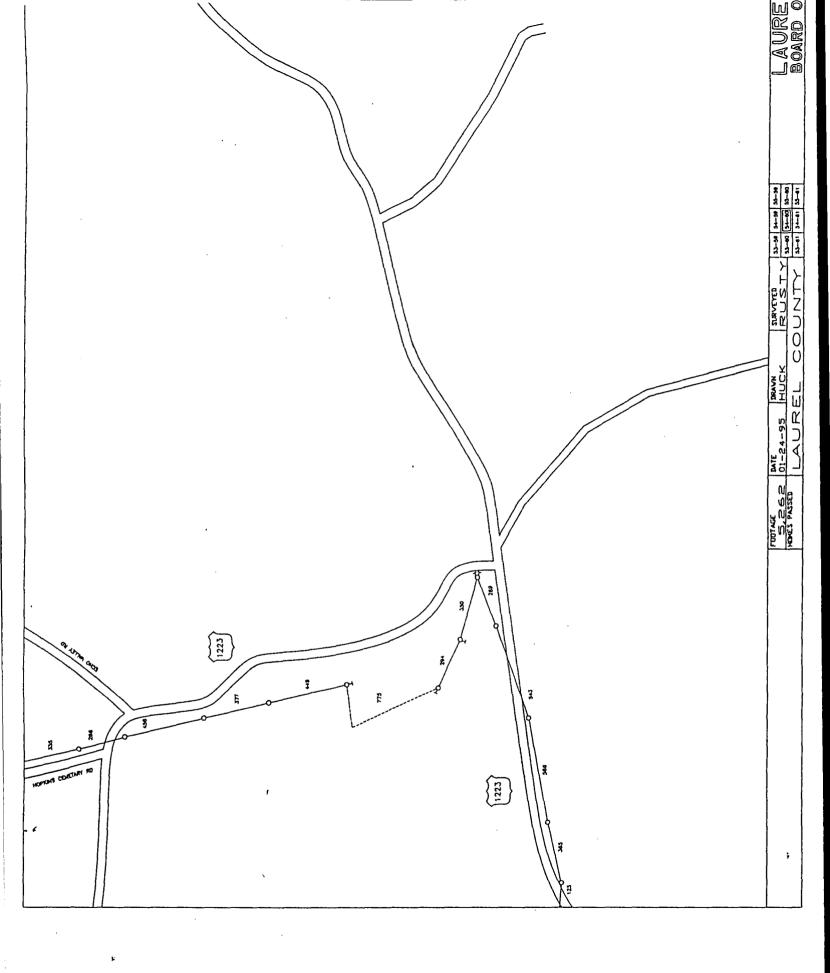


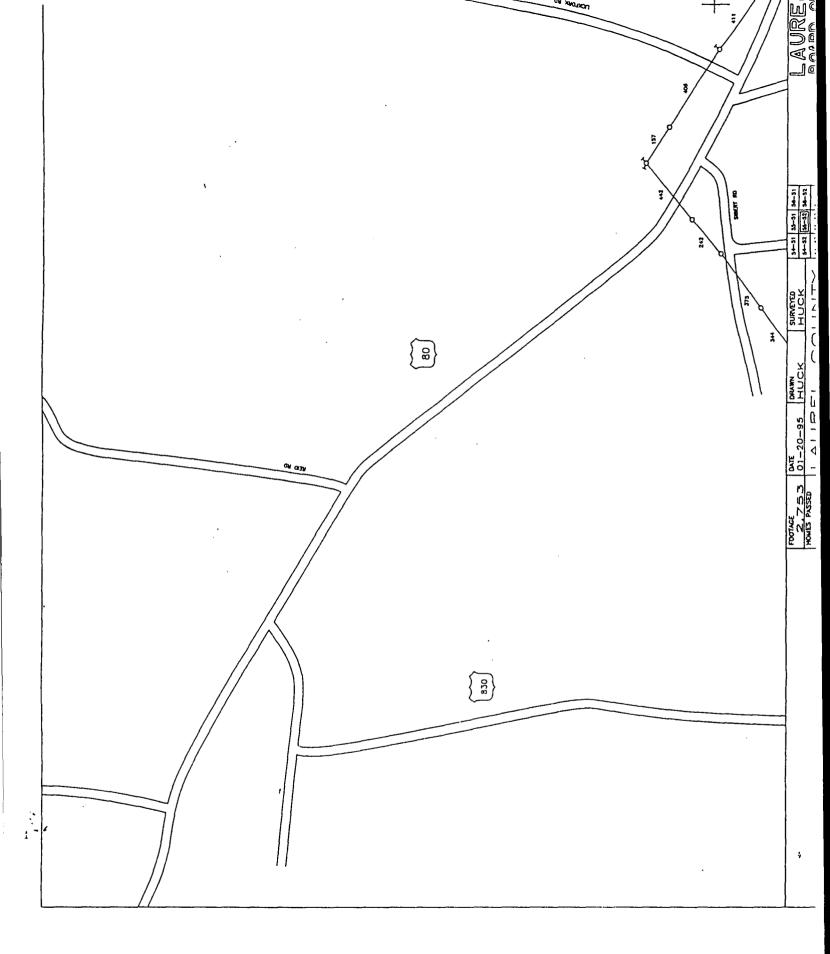


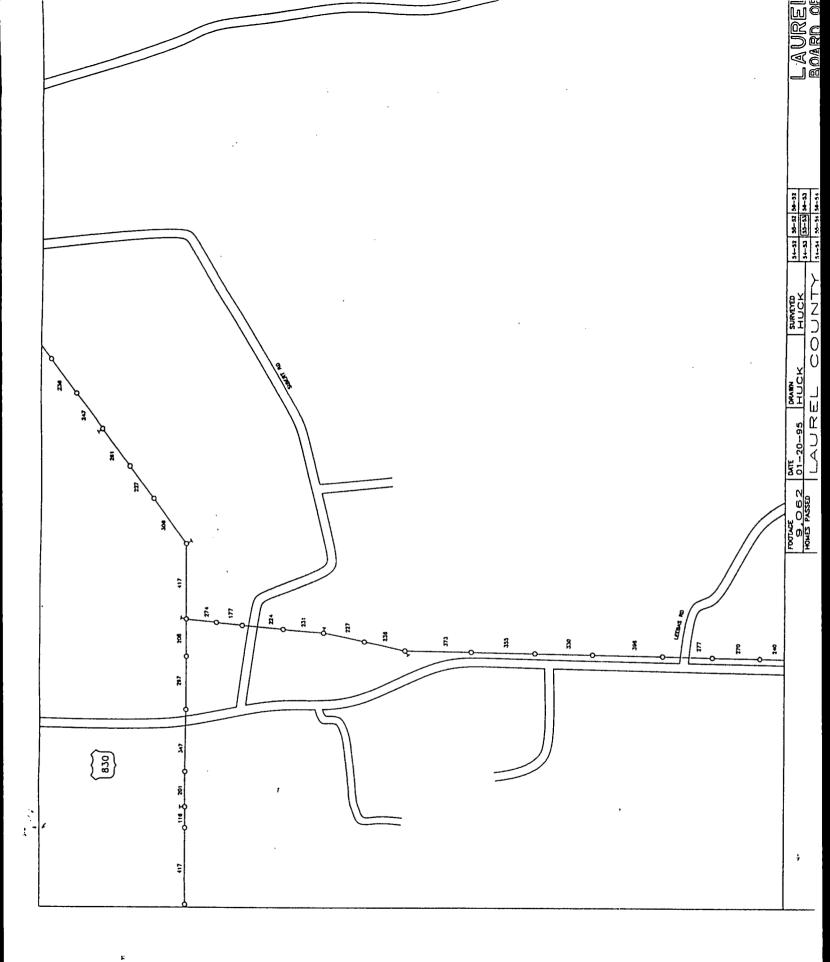


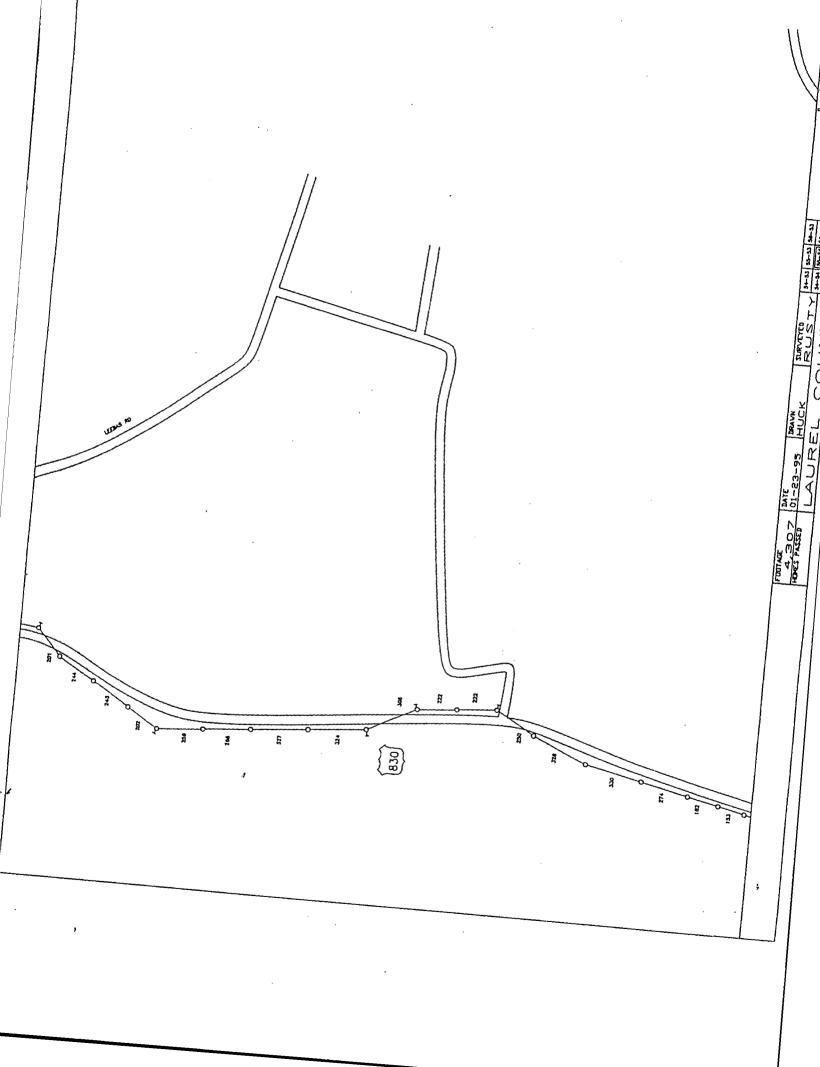


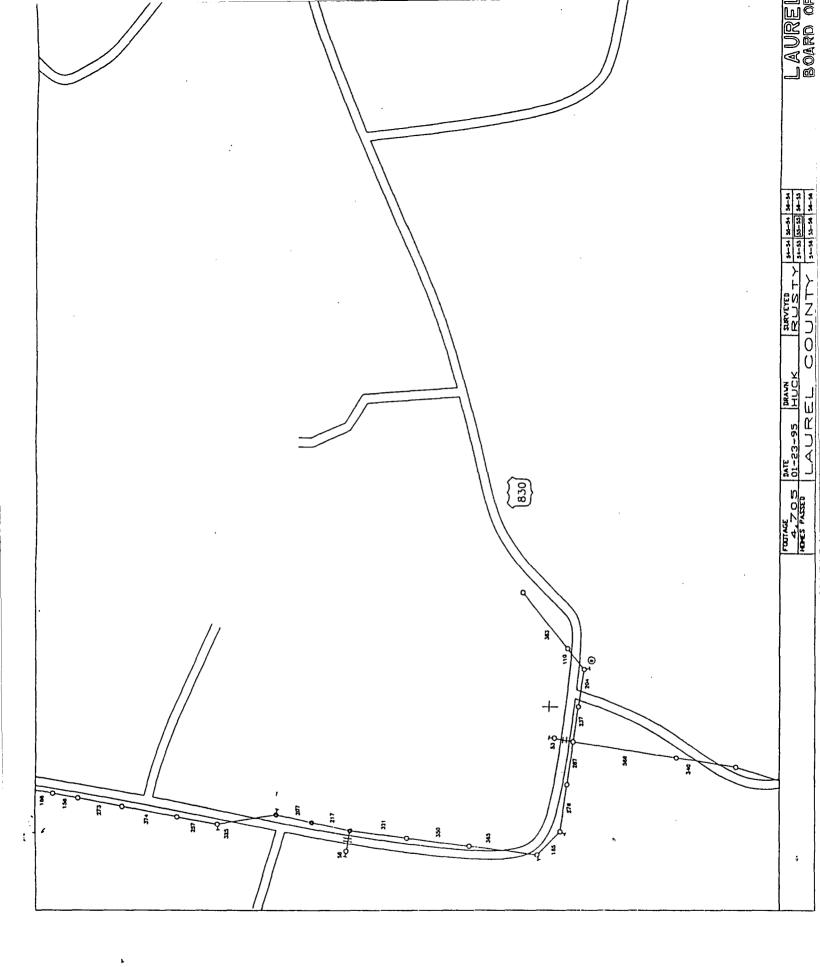
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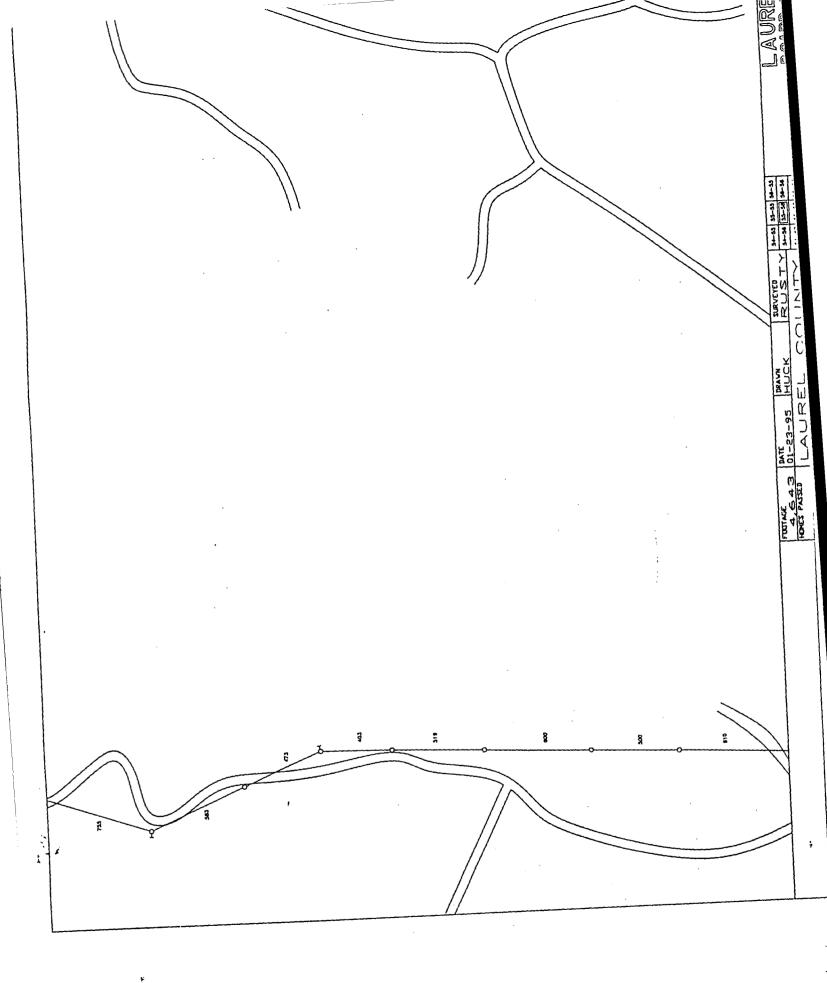




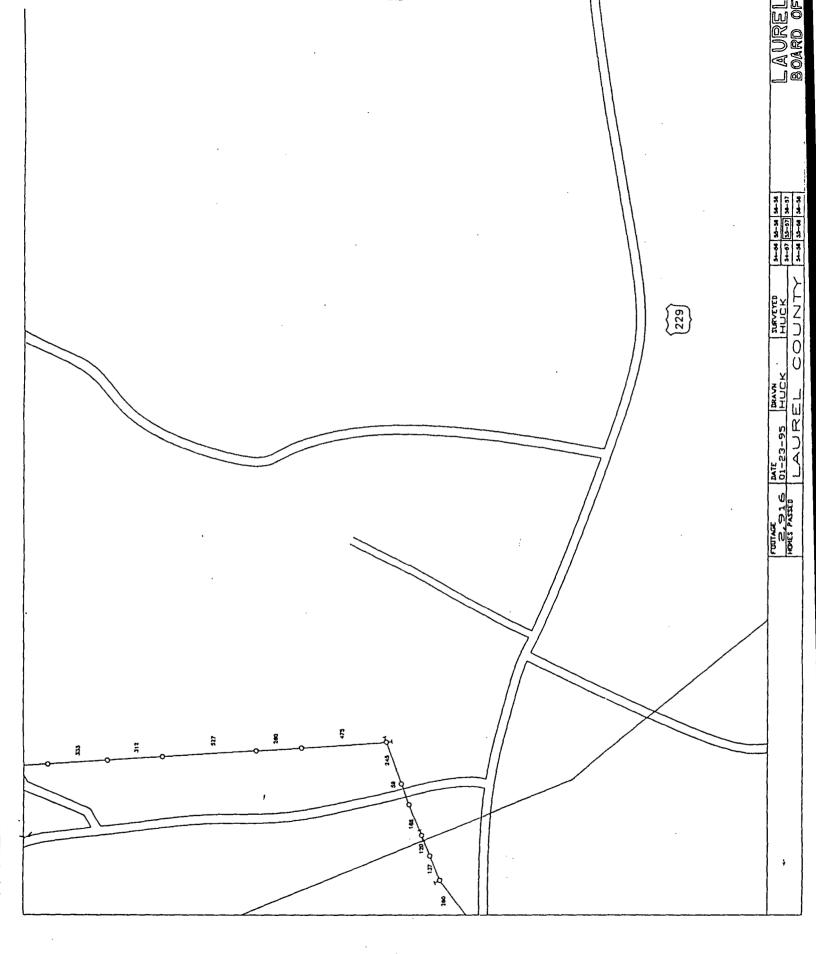


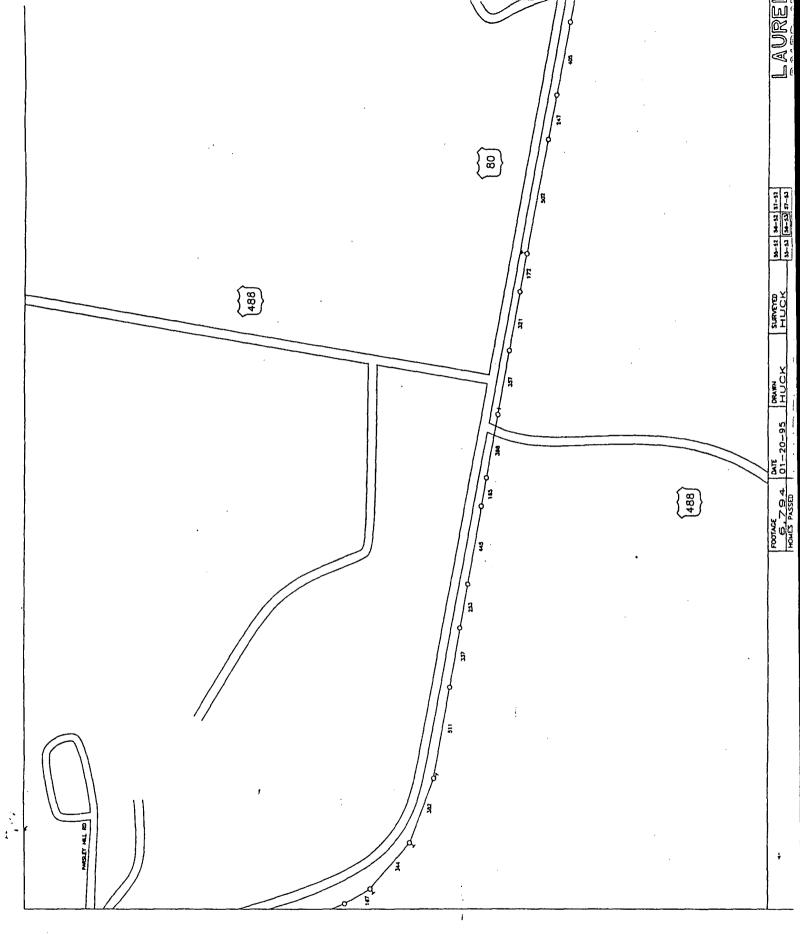






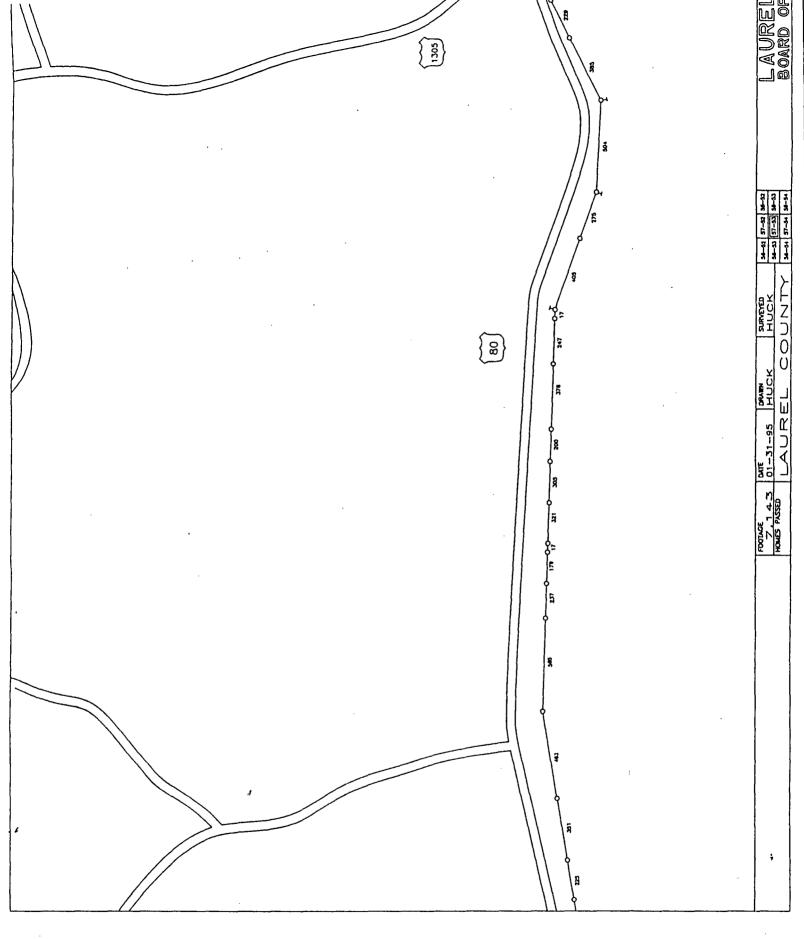
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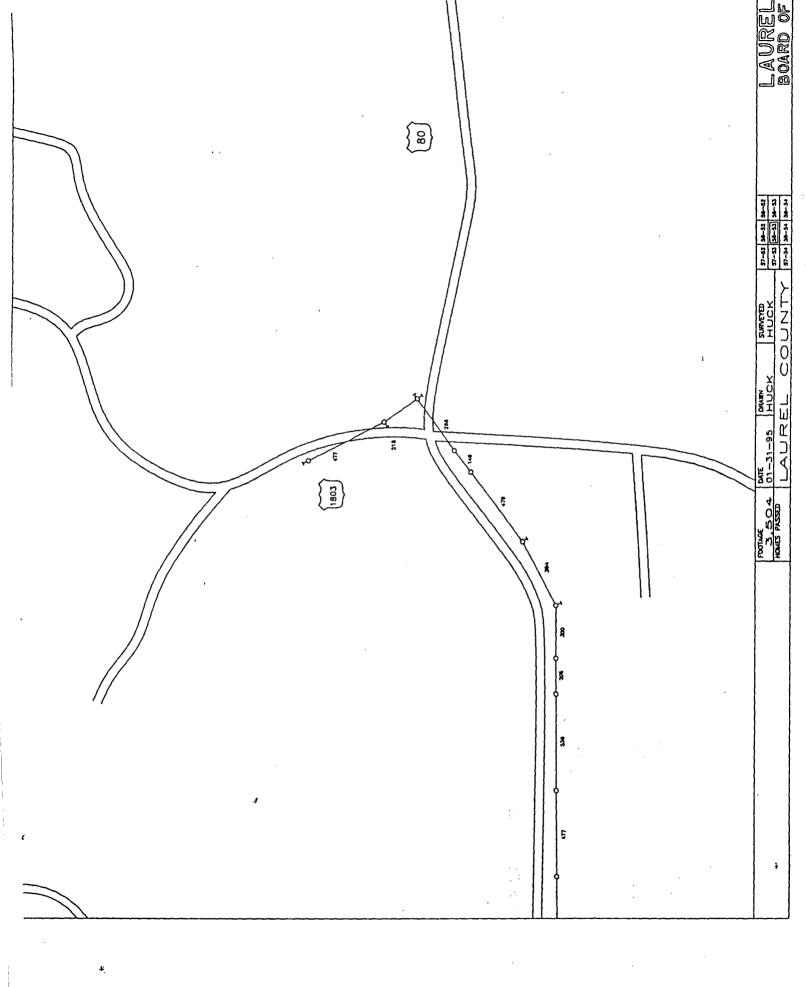


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