

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AREA CODE EXHAUSTION RELIEF)	ADMINISTRATIVE
FOR 606 AREA CODE REGION)	CASE NO. 377

O R D E R

On August 4, 1999, the Commission entered its Order in this case deciding, among other things, that the eastern region of Kentucky should retain the 606 area code due to the severe economic disruption likely to result in that region as a result of an area code change. On August 24, 1999, Cincinnati Bell Telephone Company ("Cincinnati Bell") filed a motion for rehearing, claiming that the record in this case does not contain specific evidence defining or quantifying the economic burden that would accompany the area code change. Cincinnati Bell asks for rehearing in order to permit the parties to submit evidence regarding the economic burden that an area code change would impose upon the Lexington and Northern Kentucky areas. In addition, the Northern Kentucky Chamber of Commerce has filed a motion to intervene in this case in order to present information regarding the economic impact of the decision to permit eastern Kentucky to retain the 606 area code.

KRS 278.400 provides that, upon rehearing, a party may "offer additional evidence that could not with reasonable diligence have been offered on the former hearing." In an attempt to meet this standard, Cincinnati Bell claims that customers affected by the Commission's decision in this matter "relied in good faith" on this

Commission's previous decision permitting the areas of greatest population density and fastest growth to retain the existing area code. Cincinnati Bell contends that the Commission's decision to consider factors other than population density and fastest growth justify reopening this case to give interested parties an opportunity to present evidence on the relative economic burdens to be imposed by the area code change.

The Commission finds Cincinnati Bell's argument unpersuasive. There is no support for an argument that interested parties were unaware that economic disruption is a key consideration in allocating area code changes. Cincinnati Bell does not even attempt to make such an argument. Instead, it simply contends that it, and others, were so certain that their regions would retain the 606 area code that they saw no need to present the currently proffered evidence regarding economic impact. The evidence sought to be offered is not new; nor was it previously unavailable. Accordingly, the statutory standard for granting rehearing has not been met.

The Commission further finds that there is no merit to Cincinnati Bell's argument that the record in this case does not support the decision to allocate the new code to the Northern Kentucky and Lexington regions rather than to eastern Kentucky. The decision was based upon the need to avoid additional economic disruption in an already struggling section of our Commonwealth. No specific study or set of figures is necessary to sustain the Commission's finding that eastern Kentucky is an economically depressed area. Nor is there a need for specific evidence to be filed in this proceeding to support a policy decision to avoid adding to eastern Kentucky's economic difficulties. The Commission may properly take administrative notice of publicly available information.

It is regrettable that any region of Kentucky must deal with the expense and inconvenience of an area code change. However, since a change is necessary, this Commission must decide which regions will be required to make the adjustment. That decision has been made subsequent to numerous public meetings and Commission consideration of all evidence and commentary sought to be offered by the general public, as well as by interested parties.

Because the Commission by this Order denies Cincinnati Bell's petition for rehearing, the Northern Kentucky Chamber of Commerce's motion to intervene and to present additional evidence is moot.

IT IS THEREFORE ORDERED that:

1. Cincinnati Bell's petition for rehearing is denied.
2. The Northern Kentucky Chamber of Commerce's motion to intervene and present additional evidence is denied as moot.

Done at Frankfort, Kentucky, this 8th day of September, 1999.

By the Commission

ATTEST:

Executive Director