

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JAMES P. KRUEMPELMAN	)	
	)	
COMPLAINANT	)	
v.	)	CASE NO. 99-108
	)	
CINCINNATI BELL TELEPHONE COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On March 22, 1999, James P. Kruempelman ( Complainant ) filed a formal complaint against Cincinnati Bell Telephone Company ( Cincinnati Bell ). The Complainant alleged that Cincinnati Bell was using a deceptive business practice to promote a new service known as Reveal. The Complainant stated that he pays \$7.00 for Cincinnati Bell's caller identification service ( Caller ID ) but that calls from local businesses are identified as out of area. The Complainant does not want to pay the additional \$3.00 subscription charge for Reveal so that calls presently characterized as out of area can be identified by Caller ID. The Complainant requested that the Commission order Cincinnati Bell to stop charging \$3.00 for Reveal and investigate Cincinnati Bell's database for malfunction or fraud.

On April 1, 1999, the Commission ordered Cincinnati Bell to satisfy or answer the complaint. Cincinnati Bell filed an Answer to the complaint on April 15, 1999. The Answer generally denied the allegations raised by the Complainant. It specifically denied that

Reveal is malfunctioning, fraudulent, or deceptively programmed, that it is a deceptive business practice, and that it imposes a deceptive rate increase.

The Answer states that the Caller ID service is not technically capable of identifying calls that originate from trunk lines. Because of this technical limitation, calls from certain businesses with large numbers of telephone numbers served by trunk lines are identified as out of area. The Reveal service requires a person calling from a trunk line number normally identified as out of area to dial a telephone number in order to complete the call. The Answer also states that the Commission has approved the Reveal service and the rate of \$3.00 per month.

On May 7, 1999, the Commission issued an information request asking Cincinnati Bell whether the introduction of Reveal has had any effect on the types of numbers identified by Caller ID and whether the introduction of Reveal has diminished the character and quality of Caller ID. Cincinnati Bell responded that Reveal has had no effect on the types of numbers identified by Caller ID or the level of service. According to Cincinnati Bell, the numbers characterized as out of area, anonymous, or private remain the same. Cincinnati Bell also stated that Caller ID continues to provide the same level of service as it did prior to Reveal but that Reveal provides the added ability to block all unidentified calls.

Having considered the information contained in the complaint and Cincinnati Bell's filings in this case, the Commission finds that the requested relief should be denied. First, Cincinnati Bell's Reveal service and the rate at which it is charged have been duly accepted for filing pursuant to KRS 278.160. Second, the information provided indicates that Reveal is a unique service available to customers who choose to subscribe.

Accordingly, Cincinnati Bell is entitled to demand, collect and receive fair, just and reasonable rates for the service pursuant to KRS 278.030(1).

### DISCUSSION

KRS 278.160 codifies the filed rate doctrine. The statute requires a utility to file with the Commission schedules showing all rates and conditions for service established by it and collected or enforced. KRS 278.160(1). It further states:

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.

KRS 278.160(2).

The effect of KRS 278.160 is to preserve the Commission's primary jurisdiction over the reasonableness of rates and service of utilities. Prior to becoming effective, filings must be reviewed and found reasonable by the Commission. Cincinnati Bell's Reveal service and the \$3.00 rate were filed by the company on February 16, 1999, with a proposed effective date of March 18, 1999. They were subsequently reviewed and allowed to go into effect. Thus, as of March 18, 1999, Cincinnati Bell was not only authorized but was required to offer the service to all qualified customers and to charge the filed rate of \$3.00 in accordance with KRS 278.160(2). Finally, Every utility may demand, collect and receive fair, just and reasonable rates for the services rendered or to be rendered by it to any person. KRS 278.030(1).

According to the service description,<sup>1</sup> Reveal intercepts incoming calls to the subscriber that would normally appear as private, unavailable, out of area, or

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<sup>1</sup> General Exchange Tariff No. 3, Section 48, Page 12.6.

anonymous. As instructed by the Reveal announcement, the caller must enter a telephone number in order to complete the call to the Reveal subscriber. The number entered is then revealed on a subscriber's Caller ID unit. If the caller does not enter a number the call is disconnected. Based upon the service provision, the Commission finds that Reveal is an optional service feature, separate and distinct from Caller ID, for which Cincinnati Bell is entitled to collect a reasonable rate.

Based upon the evidence of record and being otherwise sufficiently advised, the Commission HEREBY ORDERS that the requested relief is denied and the complaint is dismissed.

Done at Frankfort, Kentucky, this 12<sup>th</sup> day of July, 1999.

By the Commission

ATTEST:

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Executive Director