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Cincinnati Bell Telephone Company v. Kentucky Public Service Commission

We represented a telephone company on appeal, and obtained a 3-0 reversal of the Circuit Court order affirming an order of the Kentucky Public Service Commission. The Commission order required telephone utilities to pay refunds of certain rates collected following a change in federal regulatory policy, based on the Commission's determination that the utilities were on notice that the state Commission had a policy to follow changes in federal regulatory policy and the utilities therefore should have unilaterally adjusted their own rates following the change in federal policy. We successfully argued that the Commission's order was precluded by the filed rate doctrine and the prohibition on retroactive rate-making, and obtained a published opinion that is already regarded as one of the seminal Kentucky decisions concerning the filed rate doctrine.

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