

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

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|------------------------------|---|----------|
| Little Sandy Packing Company |) | |
| and Walter Callihan, Inc. |) | |
| vs. |) | Case No. |
| |) | 8234 |
| General Telephone Company |) | |
| of Kentucky |) | |

ORDER DISMISSING COMPLAINT

On April 30, 1981, Little Sandy Packing Company and Walter Callihan, Inc. filed a complaint with this Commission alleging that General Telephone Company of Kentucky ("General") has refused telephone service to these entities in Ashland, Kentucky. The Complaint was signed by a Mr. Walter Callihan, who is not licensed to practice law in the state of Kentucky. While Mr. Callihan may, of course, file a complaint with this agency representing himself only, he cannot represent other entities before this Commission without an attorney. 1/ The Commission emphasizes this point since Mr. Callihan goes to great lengths in his complaint (p. 2) to stress that Little Sandy Packing Company and Walter Callihan, Inc. are separate legal entities

1/ See PSC's Administrative Order No. 249, issued June 15, 1981, copy attached hereto.

from their owner, Walter Callihan. However, since Mr. Callihan's complaint was filed prior to the issuance of Administrative Order No. 249, the Commission will overlook this violation of its rules at this time and address the substance of the complaint.

After receipt of this complaint, the Commission by Order issued May 6, 1981, required General Telephone to respond to the charges contained in Mr. Callihan's complaint. General filed its answer with the Commission on May 18, 1981. Therein, General stated that the allegations contained in Mr. Callihan's complaint of April 30, 1981, were the same as those made by Mr. Callihan in February of 1979, and that the PSC had ruled in that case (PSC Case No. 7425) that General's offer of service to Mr. Callihan under certain terms and conditions was fair, just and reasonable. General further stated that it presently stands ready to provide Mr. Callihan telephone service (under whatever name he chooses to be called) under those same terms and conditions which are as follows:

(1) Mr. Callihan (or whatever name he wishes telephone service under) shall execute General Telephone's standard application form.

(2) Mr. Callihan shall personally guarantee the payment of his outstanding balance in the amount of \$1,468.36 at his previous number, 606/473-7277.

(3) Mr. Callihan shall personally guarantee payment of all future bills if telephone service is re-established under the name of either Walter Callihan, Inc. or Little Sandy Packing Company.

After consideration of all of the above and review of the previous record in Case No. 7425, the Commission is of the opinion and finds as follows:

(1) The complaint filed by Little Sandy Packing Company and Walter Callihan, Inc. on April 30, 1981, raises no issues of fact or law which were not addressed in the Commission's Order of June 6, 1979, in Case No. 7425. Accordingly, no hearing is required in this matter.

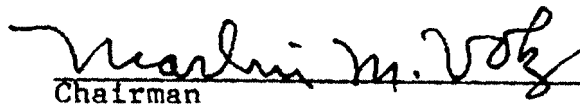
(2) General Telephone Company of Kentucky stands ready to provide service to Walter Callihan, Inc. and Little Sandy Packing Company at any time Mr. Walter Callihan (the owner of both such entities) agrees to the terms and conditions set forth in General Telephone's answer to this complaint by the Company on May 18, 1981.

(3) The terms and conditions by which General Telephone presently proposes to offer service to Walter Callihan, Inc. and Little Sandy Packing Company are fair, just and reasonable.

Based upon the above-stated findings of fact, the Commission hereby ORDERS that this matter be, and it hereby is, dismissed without prejudice.

Done this 22nd day of July, 1981 at Frankfort, Kentucky.

PUBLIC SERVICE COMMISSION


Chairman

Katharine Russell

Vice Chairman

Don G. Larrigan

Commissioner

ATTEST:

Secretary