COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOTICE OF SOUTH CENTRAL BELL TELEPHONE COMPANY OF AN ADJUSTMENT IN ITS INTRASTATE RATES AND CHARGES	)	CASE NO. 8847

and

THE VOLUME USAGE MEASURED RATE SERVICE AND MULTILINE SERVICE TARIFF FILING OF SOUTH CENTRAL BELL TELEPHONE COMPANY	)	CASE NO. 8879

O R D E R

On March 30, 1984, the Communications Workers of America, District 10, AFL-CIO ("CWA") filed a Motion to Intervene and For Reconsideration.

On April 5, 1984, the Attorney General's Consumer Protection Division ("AG") filed its Response to the CWA motion requesting that the motion be denied.

The CWA motion concerns the wage and wage-related increases of April, July and August, 1984, which the Commission disallowed in its January 18, 1984, Order. This disallowance was previously the subject of a request for rehearing by South Central Bell Telephone Company ("SCB"). By its Order of February 24, 1984,

the Commission denied that request for rehearing. The CWA requests leave to intervene pursuant to 807 KAR 5:001, Section 3(8), and alleges in its Motion that it "only recently became aware of these specific issues."[1] However, SCB filed this case on July 29, 1983, some 8 months prior to the CWA's motion. Furthermore, 807 KAR 5:001, Section 3(8), requires a "timely" motion to intervene and under 807 KAR 5:011, Section 8(3)(a), a "timely" motion must be filed within 30 days of the publication of the notice of proposed rate changes. Under KRS 278.400, parties had 20 days to apply for rehearing after the January 18, 1984, Order was served. In light of the degree of lateness of the motion, over 2 months after the Order on the merits and over 1 month after the Order on Rehearing, the Commission finds that the motion should be denied. "Good cause" for the inordinate lateness of the request for intervention has not been demonstrated.

Even if the Motion had been timely filed, the CWA has not shown that it has a special interest in these proceedings that is not already adequately represented by the parties to the case. The Commission's action denying the 1984 wage adjustments for rate-making purposes is based upon the test year concept which can be distorted by selective adjustments, especially those that reach far into the future when the relationship of expenses and revenues may well have been altered. The July and August, 1984, CWA wage increases will not take place until 14-15 months after

[1] CWA Motion at p. 3.

the end of the test year in this case. In rejecting this isolated, post-test year adjustment for rate-making purposes, the Commission has not taken action which in any way impairs the CWA contract.

Aside from requiring that an independent study of overall wage and salary levels at SCB be undertaken, the Commission does not intend to take any further action regarding the issue in this case. Therefore, in the opinion of the Commission the CWA presents no compelling need to become a party to this case.

For all of the reasons stated above, the Commission finds that the CWA's Motion to Intervene and for Reconsideration should be denied.

IT IS THEREFORE ORDERED that the CWA's Motion to Intervene and for Reconsideration be and it hereby is denied.

Done at Frankfort, Kentucky, this 9th day of April, 1984.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Secretary