

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

JOHN J. CHEWNING d/b/a CHEWNING AND
WHITE; AND NILA D. HERNDON d/b/a
HOPKINSVILLE MORTGAGE BANKERS,

COMPLAINANTS

VS.

SOUTH CENTRAL BELL TELEPHONE COMPANY,

DEFENDANT

CASE NO. 8287

O R D E R

On August 14, 1981, Complainants, by counsel, filed a Motion to Strike Answer and Motion for Default Judgment. The Motion states, among other things, that the Commission entered its Order July 29, 1981, granting South Central Bell Telephone Company ("Company") an extension of time to August 10, 1981, in which to satisfy or answer the Complaint and that the Answer was not filed until August 11, 1981.

On August 18, 1981, the Company, by counsel, filed its Response to the Motion to Strike Answer and Motion for Default Judgment. The Response states that on the afternoon of August 10, 1981, counsel for the Company contacted the Commission by calling the office of the Secretary and requested that the Company be allowed to file its Answer either by depositing it in the U.S. Mail the evening of August 10, 1981, or by delivering the Answer to the Commission the morning of August 11, 1981.

The response further states that the office of the Secretary informed counsel for the Company that it could either deposit the Answer in the U.S. Mail the evening of August 10, 1981 or deliver the Answer to the Commission's offices for filing the morning of August 11, 1981. Finally, the Response states that the Company did not violate the regulations of the Commission since the Company had been informed by the Secretary's office that its request for an extension of time through the morning of August 11, 1981, had been granted.

The Answer was filed with the Commission the morning of August 11, 1981.

On August 21, 1981, Complainants, by counsel, filed a Reply to the Response of the Company stating, among other things, that the rules of the Commission do not grant authority to the Secretary of the Commission to allow the Company to file its Answer late and do not grant to the Secretary authority to allow the Company to file its Answer by depositing it in the U.S. Mail.

The Commission, having considered the Motions, Response, and Reply and being advised, finds that the Secretary of the Commission, through authorization by the Commission granted the Company a further extension of one day, or until August 11, 1981, for the filing of the Answer.

IT IS THEREFORE ORDERED That the Motion to Strike Answer and Motion for Default Judgment be and they hereby are overruled.

Done at Frankfort, Kentucky, this 24th day of August, 1981.

PUBLIC SERVICE COMMISSION

ATTEST:


For the Commission

Secretary