

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF CONTINENTAL )  
TELEPHONE COMPANY OF KENTUCKY )      CASE NO. 8428

ORDER REJECTING TARIFF

On February 7, 1983, Continental Telephone Company of Kentucky ("Continental") filed a proposed tariff sheet by which the company would receive an additional \$921,905 through a 12-month surcharge to its existing rates. Therein, Continental stated that the proposed surcharge was in compliance with the mandate of the Franklin Circuit Court issued on December 21, 1982, in Case No. 82-CI-0988.

While it is true that the action of the Franklin Circuit Court was injunctive in nature and would have required the Commission to approve the proposed tariff, the enforcement of the Franklin Circuit Court's order was stayed by an order of the Court of Appeals issued on February 24, 1983. A copy of the Court of Appeals' order is attached as an appendix to this order.

For these reasons, the Commission orders that Continental's proposed tariff filed on February 7, 1983, be and it hereby is rejected.

Done at Frankfort, Kentucky, this 28th day of February,  
1983.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary