

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOTICE OF CONTINENTAL TELEPHONE COMPANY)
OF KENTUCKY OF AN ADJUSTMENT IN ITS) CASE NO. 8182
INTRASTATE RATES)

ORDER DENYING SURCHARGE

On December 27, 1983, Continental Telephone Company of Kentucky ("Continental") filed a proposed tariff which would add a surcharge to the current rates of Continental's 60,000 customers. This surcharge was filed by Continental pursuant to an order of the Franklin Circuit Court in Case No. 83-CI-0153, entered December 6, 1983 (as amended December 21, 1983). The proposed surcharge was to go into effect January 17, 1984.


On January 16, 1984, the Kentucky Court of Appeals stayed that portion of the Franklin Circuit Court's order which mandatorily enjoined the Commission to allow Continental to charge its customers higher rates. A copy of the Court of Appeals order is attached as an appendix to this order.

Based upon all of the above and being advised, the Commission hereby ORDERS that the tariff filed by Continental Telephone Company of Kentucky on December 27, 1983, to be effective January 17, 1984, be and it hereby is denied.

Done at Frankfort, Kentucky, this 16th day of January, 1984.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary

APPENDIX

APPENDIX TO AN ORDER OF THE PUBLIC
SERVICE COMMISSION DATED JANUARY 16,
1984, IN CASE NO. 8182.

Commonwealth Of Kentucky

Court Of Appeals

NO. 84-CA-99-I

PUBLIC SERVICE COMMISSION

APPELLANT

v. APPEAL FROM FRANKLIN CIRCUIT COURT
HONORABLE HENRY MEIGS, JUDGE
CIVIL ACTION NO. 83-CI-0153

CONTINENTAL TELEPHONE COMPANY OF KENTUCKY

APPELLEE

AND

NO. 84-CA-100-I

STEVEN BESHEAR,
Attorney General

APPELLANT

v. APPEAL FROM FRANKLIN CIRCUIT COURT
HONORABLE HENRY MEIGS, JUDGE
CIVIL ACTION NO. 83-CI-0153

CONTINENTAL TELEPHONE COMPANY OF KENTUCKY

APPELLEE

ORDER

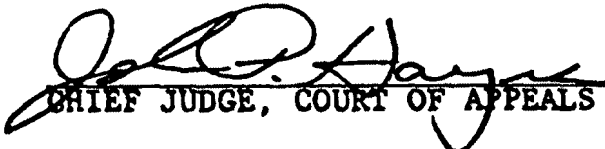
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The request of the Kentucky Public Service Commission and the Kentucky Attorney General for relief under authority of CR 76.33(1) from that portion of the Franklin Circuit Court's order of December 6, 1983, which mandatorily enjoined the Public Service Commission to allow the Continental Telephone Company of Kentucky to charge its customers higher rates through a surcharge to the existing rates is hereby GRANTED. That portion of the circuit court's order is STAYED pending a hearing before a three-judge panel of this court which will occur after the 10 day response time passes.

This order is effective upon signing without the necessity of entry.

ENTERED:

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CHIEF JUDGE, COURT OF APPEALS