

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE AMENDMENT OF THE TARIFF OF SOUTHERN )  
OHIO TELEPHONE COMPANY ) CASE NO. 89-383

O R D E R

On December 20, 1989, Southern Ohio Telephone Company ("SOTCo") filed a motion seeking the Commission's waiver of "whatever application, hearing, or notice requirements are set forth in the statutes and rules applicable to rate increases. . . ." <sup>1</sup> SOTCo seeks the waiver of those requirements pursuant to 807 KAR 5:011, Section 14, on the grounds that there currently are no wholesale service customers on the Kentucky side of its operations <sup>2</sup> and so that identical rates and charges for Ohio and Kentucky can be assured.

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<sup>1</sup> "Notice of Southern Ohio Telephone Company of Rate Change and Request for Waiver", filed December 20, 1989 at page 1.

<sup>2</sup> SOTCo provides cellular telecommunications services in the Cincinnati, Ohio - northern Kentucky cellular geographic service area. See Case No. 9462, Application of the Southern Ohio Telephone Company for the Issuance of a Certificate of Public Convenience and Necessity to Provide a New Domestic Public Cellular Radio Telecommunications Service to the Public in the Greater Cincinnati Metropolitan Area Including All or Parts of Butler, Clermont, Hamilton, and Warren Counties in Ohio; Boone, Campbell, Gallatin, Grant, Kenton, Ohio, and Pendleton Counties in Kentucky and Dearborn, Franklin and Switzerland Counties in Indiana.

807 KAR 5:011, Section 14, authorizes the Commission to allow utilities to deviate from the rules for good cause shown. That regulation does not authorize the Commission to waive statutory requirements. The Commission finds that SOTCo has not shown good cause for the requested deviation.


IT IS THEREFORE ORDERED that:


1. SOTCo's Motion for a waiver of all application, hearing and notice requirements set forth in the statutes and rules applicable to rate increases, shall be and hereby is denied.

2. SOTCo shall comply with the notice requirements of 807 KAR 5:011, Section 8 in all respects. The notice to be given in compliance with that regulation shall extend to SOTCo's Ohio customers as well as Kentucky customers and proof of compliance with 807 KAR 5:011, Section 8, shall be furnished to the Commission within ten days of the date of this Order.

Done at Frankfort, Kentucky, this 23rd day of February, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director