

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MILDRED L. SMITH, et al.,)
(700 PLUS PETITIONER))
P. O. BOX 151)
FLORISSANT, COLORADO 80816)
Complainants,)
vs.)
THE MOUNTAIN STATES TELEPHONE)
AND TELEGRAPH COMPANY)
P. O. BOX 960)
DENVER, COLORADO 80201)
Respondent.)

CASE NO. 6051
COMMISSION ORDER
DENYING MOTION TO DISMISS

November 24, 1981

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 15, 1981, Mildred L. Smith, et al., filed formal complaint Case No. 6051 with the Commission. By the complaint, it is alleged that the Lake George and the Cripple Creek telephone exchanges are separate exchanges from the Colorado Springs exchange. Smith requests that the Lake George and Cripple Creek exchanges be included into the Colorado Springs exchange so that telephone calls within such extended exchange will not incur long distance charges.

On November 10, 1981, Respondent Mountain States Telephone and Telegraph Company (Mountain Bell) filed its Motion to Dismiss the complaint. By the motion, Mountain Bell contends that Commission longstanding policy has opposed to the inclusion of new exchanges in extended area service. Accordingly, Mountain Bell argues that the above Commission policy obviates the need for a hearing which will likely end with the determination that the requested extended area service should not be granted.

The Commission states and finds that the instant motion to dismiss accurately reflects the current policy of the Commission in regard to extended area service. However, Complainants may be able to establish herein that previous Commission policy has been in error. Accordingly, the instant complaint states a claim upon which relief may be granted, and the motion to dismiss of Mountain Bell should therefore be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The motion to dismiss formal complaint Case No. 6051, filed by the Mountain States Telephone and Telegraph Company on November 10, 1981, is denied.

2. The Mountain States Telephone and Telegraph Company shall file its answer to formal complaint Case No. 6051 within ten (10) days of the effective date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of November, 1981.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elythe S. Miller

Daniel E. Mues

L. Duane Hobbs

Commissioners