

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of: Florence Amelia )  
Smith, )  
Complainant, )  
vs. )  
Carbon-Emery Telcom, Inc., )  
Respondent. )

DOCKET NO. 02-2302-01

ORDER ON MOTION FOR  
EXTENSION OF TIME

ISSUED: October 8, 2002

By the Commission:

On October 4, Complainant filed a Motion for Extension of Time, seeking an extension of time to file a reply to the response of Carbon-Emery TelCom, and to prepare amendments to her complaint accordingly.

Our Rule R746-100-1 states:

A. Procedure Governed - Sections 1 through 14 of this rule shall govern the formal hearing procedures before the Public Service Commission of Utah, Sections 15 and 16 shall govern rulemaking proceedings before the Commission.

B. Consumer Complaints - Consumer complaints are designated as informal proceedings.

*Utah Administrative Code* §R746-100-1. The rules set forth in sections 1 through 14 are then generally not applicable to consumer complaint matters. Rule 100- 3(I), however, does address responsive pleadings in informal proceedings, and states that responsive pleadings are "required in informal proceedings and shall be filed in accordance with the provisions of Section 63-46b-6." *Utah Administrative Code* §R746-100-3(I). *Utah Code Annotated* §63-46b-6 requires a respondent to file a responsive pleading within 30 days. It also states that the agency may permit additional pleadings. The Commission, therefore, may permit Complainant to file a reply pleading, but is not required to do so.

We do not wish to bar Complainant from providing relevant information and argument. We note, however, that the original Complaint in this matter contains numerous allegations of violations of law that are beyond the jurisdiction of this Commission. We will allow Complainant to file an additional reply pleading, and an amendment to the Complaint. However, any such filings should only address matters within the jurisdiction of this Commission, that is matters relating to the service and billing of Carbon-Emery TelCom. The reply, and amended Complaint, must be filed on or before October 25, 2002. Carbon-Emery TelCom will be required to respond to any amended Complaint within 10 days of service upon Carbon Emery TelCom.

Complainant's motion also indicates the belief that Complainant may pursue discovery in this matter. Because consumer complaints are designated as informal proceedings, the rules governing discovery do not apply, and discovery is not generally allowed. Therefore no additional time will be granted for Complainant to prepare discovery. We trust, however, that Carbon-Emery TelCom will respond to reasonable informal requests from this customer for relevant information.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Complainant may file an additional reply pleading, on or before October 25, 2002.

2. Complainant may also file an amendment to the Complaint by that same date. The amendment, and reply pleading, should be limited only to matters within the jurisdiction of this Commission.

3. Carbon-Emery TelCom shall respond to any amended Complaint within 10 days of service upon Carbon-Emery TelCom.

Dated at Salt Lake City, Utah, this 8<sup>th</sup> day of October, 2002.

/s/ Douglas C. Tingey  
Administrative Law Judge

G#31179