BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

P CB PB PO

In the Matter of MoKan Dial, Inc.'s Complaint
)
Against Southwestern Bell Telephone Company for
)
Terminating Cellular Compensation.
)

Case No. TC-98-241

ORDER GRANTING EXTENSION OF TIME TO RESPOND

MoKan Dial, Inc. (MoKan) filed a complaint against Southwestern Bell Telephone Company (SWBT) on December 16, 1997, alleging that SWBT has been terminating cellular-originated intraLATA calls in MoKan's exchanges without paying the terminating access charges required by MoKan's Commission-approved tariff. SWBT answered the complaint on January 20, 1998, stating that MoKan's access tariff does not apply to cellular traffic. Even assuming the tariff does apply, SWBT argues, SWBT owes no additional compensation to MoKan under the terms of MoKan's tariff. Further, SWBT states that MoKan's complaint is barred by the doctrines of accord and satisfaction, equitable estoppel and laches. Based on the foregoing claims, SWBT also filed a Motion to Dismiss as an alternative to its answer.

Pursuant to 4 CSR 240-2.080 (12), MoKan's response to SWBT Motion to Dismiss is due no later than January 30. However, on January 26, MoKan filed a Motion for Extension of Time to Respond seeking to extend the deadline for filing its response to SWBT's motion through February 6. In support of its request, MoKan states that it did not receive a copy of SWBT's motion until January 26 and the complex nature of the issues presented in the motion require more time for MoKan to fully respond.

MoKan indicates it contacted SWBT regarding its motion for extension of the filing deadline and that SWBT had no objection.

The Commission finds MoKan's request to be reasonable and concludes that no party will be prejudiced by granting the requested extension of time.

THEREFORE, IT IS ORDERED:

- 1. That the Motion for Extension of Time to Respond filed by MoKan Dial, Inc., on January 26, 1998, is granted.
- 2. That MoKan Dial, Inc., shall file its response to Southwestern Bell Telephone Company's Motion to Dismiss no later than 5:00 p.m. on February 6, 1998.
 - 3. That this order shall become effective on January 29, 1998.

BY THE COMMISSION

Hole Hord, Roberts

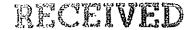
Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Kevin F. Hennessey, Regulatory Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1) (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 29th day of January, 1998.



JAN 30 1998

COMMISSION COUNSEL PUBLIC SERVICE COMMISSION