

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 20th
day of September, 1982.

Case No. TR-82-199

In the matter of the filing
by Southwestern Bell Telephone
Company of new intrastate rates,
tolls and charges applicable to
intrastate telecommunication services
furnished within the State of Missouri.

ORDER

The Commission wishes to remind all counsel and parties involved in this proceeding, of the Commission's rules at 4 CSR 240-4.020, "Conduct During Proceedings."

The Commission particularly points out the following portions of said Rule:

PURPOSE: The Commission must insure that there is no question as to its impartiality in reaching a decision on the whole record developed during open hearings. This rule prohibits activities which would tend to exercise influence on the Commission and which are not part of the record.

(1)...

(A) During the pendency of an administrative proceeding before the commission, an attorney or law firm associated therewith shall not make or participate in making a statement, other than a quotation from or reference to public records, that a reasonable person would expect to be disseminated by means of public communication if it is made outside the official course of the proceeding and relates to any of the following:

...

4. His opinion as to the merits of the claims, defenses or positions of any interested person.

5. Any other matter which is reasonably likely to interfere with a fair hearing.

(B) An attorney shall exercise reasonable care to prevent his employees and associates from making such an extra-record statement as he is prohibited from making.

...

(2) In all proceedings before the commission, no attorney shall communicate, or cause another to communicate, as to the merits of the cause with any commissioner or examiner before whom the proceeding is pending, except:

(A) In the course of official proceedings in the cause.

(B) In writing directed to the Secretary of the commission with copies served upon all other counsel of record and participants without intervention.

...

(4) It is improper for any person interested in a case before the commission to attempt to sway the judgment of the commission by undertaking directly or indirectly outside the hearing process to bring pressure or influence to bear upon the commission, its staff, or the presiding officer assigned to the proceeding.

...

All counsel and parties to this proceeding shall review 4 CSR 240-4.020 and comply strictly with its terms.

In addition, the Commission recognizes that occasionally non-attorney parties are unaware of or do not fully understand the meaning or importance of Commission rules. Therefore, all counsel should communicate the meaning and importance of this Order to all personnel who counsel believe or reasonably should believe ought to be made aware of same.

Finally, due to the extreme importance of maintaining both the actual impartiality of Commission proceedings as well as the appearance of same, all counsel should immediately report to the Commission any future possible violations of this or other Commission rule, by any party, including the party they represent.

It is, therefore,

ORDERED: 1. That all counsel and parties to this proceeding shall review 4 CSR 240-4.020 and comply strictly with its terms.

ORDERED: 2. All counsel shall communicate the meaning and importance of this Order to all personnel who counsel believe or reasonably should believe ought to be made aware of same.

ORDERED: 3. All counsel shall immediately report to the Commission all future possible violations of any Commission rule by any party including the party they represent.

ORDERED: 4. That this Order shall become effective on the date hereof.

BY THE COMMISSION

Harvey G. Hubbs

Harvey G. Hubbs
Secretary

(S E A L)

Fraas, Chm., McCartney, Dority,
Shapleigh and Musgrave, CC., Concur.