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FILED

April 12, 1999

APR 12 1999

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Proposed Merger between GTE Corporation and Bell Atlantic
Case No.: TM-99-261

Dear Mr. Roberts:

Enclosed for filing, in the above-referenced case, is the original and 14 copies of the **Public Counsel's Motion to Reconsider Order Closing Case**. I have also on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to all counsel of record. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Very truly yours,

Michael F. Dandino
Senior Public Counsel

MFD:rjr

cc: Counsel of Record

Enclosure

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

FILED
APR 12 1999
Missouri Public
Service Commission

In the Matter of the Proposed Merger)
between GTE Corporation and)
Bell Atlantic.)

Case No. TM-99-261

**PUBLIC COUNSEL'S MOTION TO
RECONSIDER ORDER CLOSING CASE**

COMES NOW the Office of the Public Counsel ("Public Counsel") and asks the Public Service Commission ("Commission") to reconsider its Order Closing Case. The Commission dismissed the case "for failure to prosecute" pursuant to 4 CSR 240-2.116(2) on the grounds that no action had taken place in the case for over 90 days.

It was Public Counsel's belief that the issue of the Commission's jurisdiction in this case was joined by Public Counsel's Motion and GTE Midwest, Inc.'s memorandum in opposition which prayed for a denial of the Motion. Although the Commission allowed Public Counsel to respond to GTE's memorandum, no responsive pleading was required by the notice or by Commission rule. Therefore, it appears that the case awaited the Commission's decision on whether or not it would grant Public Counsel's motion or deny it based upon a lack of jurisdiction as suggested by GTE.

For these reasons, Public Counsel suggests that dismissal pursuant to 4 CSR 240-2.116(2) is inappropriate because the matter was pending a Commission ruling on its jurisdiction. The

jurisdiction. The Order closing the case "for failure to prosecute" should be set aside and Public Counsel asks the Commission to directly rule on the issue of its jurisdiction in this case.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL

BY:



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been faxed, mailed, or hand-delivered to the following counsel of record on this 12th day of April, 1999:

Penny G. Raker
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