

**SERVICE LIST FOR
CASE NO: TW-97-333**

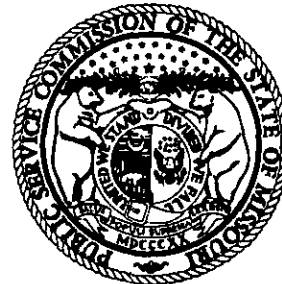
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Notice of *Ex Parte* Contact

TO: All Commissioners
All Parties in Case No. (TW-97-333)

FROM: Connie Murray

DATE: November 21, 1997



On **November 20**, I received the attached document from **Senator James L. Mathewson**. The Commission is currently considering the same issues as to those set out in this document in Case No. **(TW-97-333)**. The Commission is bound by the same *ex parte* rule as a court of law.

Pursuant to 4 CSR 240-4.020(4) it is improper for any person to attempt to sway the judgement of the Commission by undertaking, directly or indirectly, outside the hearing process, to bring pressure or influence to bear upon the Commission, or the Regulatory Law Judge assigned to the proceeding.

Whenever such contact might occur 4 CSR 240-4.020(a) states: as *ex parte* communications (either oral or written) may occur inadvertently, any member of the Commission or Regulatory Law Judge who received the communication shall immediately prepare a written report concerning the communication and submit it to the Chair and each member of the Commission. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, out of an abundance of caution, I think it appropriate to submit this notice of *ex parte* contact pursuant to the standards set out in the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Executive Secretary
Chief Regulatory Law Judge
General Counsel



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NOV 20 1997

JAMES L. (JIM) MATHEWSON
SENATOR, TWENTY-FIRST DISTRICT
89TH GENERAL ASSEMBLY

MISSOURI SENATE

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November 19, 1997

COMMITTEES:
LOCAL GOVERNMENT & ECONOMIC
DEVELOPMENT
COMMERCE & ENVIRONMENT
FINANCIAL & GOVERNMENTAL
ORGANIZATION
GUBERNATORIAL APPOINTMENTS
INSURANCE & HOUSING
LABOR & INDUSTRIAL RELATIONS
RULES, JOINT RULES & RESOLUTIONS

Mrs. Connie Wible Murray
Commissioner
Public Service Commission
Truman Building, Room 530
P.O. Box 360
Jefferson City, MO 65102

Dear Commissioner Murray:

I want to register my strong objections to your recent decision to terminate Community Optional Service and urge you to reconsider the decision. I believe the decision is not in the public interest and should be reversed or at least postponed until there is a realistic indication that competition is coming into the areas.

In conversations with a Commissioner, PSC staff and in your press release, the main reason given for eliminating COS was to prepare for competition—but there is no evidence that there are any telecommunication firms prepared to compete in most of the areas where COS exists. In formal surveys done by citizens, there are no alternative providers prepared to offer competitive local service nor are there any comparable alternatives for COS. Importantly, because many of the areas with COS are not digital, I am told it will be more than five years before any competition can develop.

My research suggests that the recent federal telecommunications act encourages competition but also calls for universal service. Universal dial tone service does very little good if there are very few people to call. In the affected areas virtually all fire, police and government services are in other communities and most of the business and personal calls will become toll calls without COS.

As you probably know, the federal act also calls for comparable service to be available in the metropolitan and rural areas. Since hundreds of thousands of telephone subscribers in St. Louis and Kansas City have metropolitan calling area plans available, how can you decide to eliminate this comparable service in rural areas? If this is to prepare for competition, isn't it more likely that the urban areas will have competition first? It seems that the facts would suggest that you eliminate that service in the urban areas first.

Mrs. Connie Wible Murray
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In a recent public meeting, the question was asked several times as to why the public was not made aware that the Public Service Commission was considering this action? Out of several hundred people attending, not one citizen was aware of this case until it was announced that a decision had been made. As part of a reconsideration of this decision, I urge you to hold hearings in several areas which are affected by the decision. I understand that the Public Counsel is intended to represent the public in these proceedings but it is the Commission's duty to be sure that the affected public is heard.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim", is written over the printed name.

James L. Mathewson
21st Senatorial District

JLM/bfz