

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 9th
day of August, 1988.

P20 Binder

Tel-Central of Jefferson City,)	
Missouri, Inc.,)	
)	
Complainant,)	
)	
vs.)	<u>CASE NO. TC-88-42</u>
)	
United Telephone Company of)	
Missouri,)	
)	
Respondent.)	
)	

ORDER

On July 25, 1988, Complainant filed its Motion For Sanctions Pursuant To Supreme Court Rule 61.01 alleging that Respondent has engaged in a deliberate, bad faith effort to thwart the rules of the Commission regarding discovery in refusing to comply with the Commission's order compelling Respondent to answer Complainant's second data request, interrogatories and request for production of documents. Complainant requests the Commission to strike those portions of Respondent's answer to the complaint that deny Complainant's allegations that Respondent billed Complainant for service that was not received.

On August 2, 1988, Respondent filed its response to Complainant's motion for sanctions. Respondent denies bad faith and requests the Commission to establish a prehearing conference for the purpose of allowing the parties to discuss future discovery and further proceedings in this matter.

Complainant's first set of interrogatories were served on Respondent October 14, 1987. On November 16, 1987, Complainant filed with the Commission its motion to compel answers on the ground that Respondent neither answered nor objected

to Complainant's interrogatories. On December 16, 1987, the Commission issued its order granting Complainant's motion to compel.

On April 27, 1988, Complainant served on Respondent its Second Data Requests, Interrogatories And Request For Production Of Documents. On May 10, 1988, Respondent filed a timely objection to portions of Complainant's interrogatories. On May 11, 1988, Complainant filed a motion to compel which was granted in part by this Commission on June 7, 1988.

As noted above, the instant motion for sanctions was filed on July 25, 1988, forty-eight days after the Commission issued its order compelling answers. On August 2, 1988, simultaneous with Respondent's response to Complainant's motion for sanctions, Respondent filed its Supplemental Response To Complainant's Second Data Requests, Interrogatories, And Request For Production Of Documents. Thus, Respondent has finally complied with the Commission's order compelling such response. The Commission does not deem fifty-six days to be a reasonable time for compliance with the Commission order. Nevertheless, since Respondent has complied with the Commission's order compelling answers, the Commission will deny Complainant's request for sanctions. However, the Commission puts Respondent on notice that the Commission has authority and will apply reasonable sanctions where it is shown a party is refusing to cooperate with the discovery process.

This case has been pending since September of 1987. The issue to be addressed encompasses a limited set of facts concerning: whether Complainant was properly charged for intrastate WATS service; whether Respondent properly notified Complainant of its intent to discontinue service to Complainant; and whether Respondent properly terminated Complainant's service. In the Commission's opinion it should not require ten months to complete discovery in this case. Accordingly, the Commission determines that discovery should be concluded within sixty days of this order and that the parties shall complete discovery in a cooperative manner. The

Commission also believes that this matter should be set for hearing as hereinafter ordered.

It is, therefore,

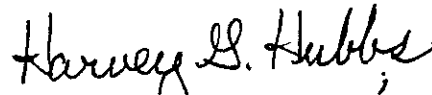
ORDERED: 1. That the Complainant's motion for sanctions is hereby denied.

ORDERED: 2. That the parties shall complete discovery in this case on or before October 7, 1988.

ORDERED: 3. That a hearing is hereby scheduled for 10:00 a.m., in the Commission's offices located on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, on October 17, 1988.

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

BY THE COMMISSION



Harvey G. Hubbs
Secretary

(S E A L)

Musgrave, Mueller and
Fischer, CC., Concur.
Steinmeier, Chm., and
Hendren, CC., Absent.