

TA-2000-709
letter file



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October 18, 2000

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
Governor Office Building
200 Madison
Jefferson City, MO 65101

RECEIVED

OCT 23 2000

*Records
Public Service Commission*

Re: **Application of OnFiber Carrier Services, Inc.**
Case No. TA-2000-709

Dear Secretary Roberts:

We are in receipt of a copy of the Commission's Order Adopting Procedural Schedule in the above-referenced case dated October 11, 2000. A copy of the service page of that Order is attached for your convenience.

Mr. DeFord of our Kansas City office and Mr. Schaefer of our Jefferson City office are both listed as attorneys of record for this case. You will see by review of the service page that Mr. Schaefer was provided service at our Kansas City office address and that is the address given by us on the initial pleadings. Unfortunately, however, because the copy of the Order was addressed to Mr. Schaefer but mailed to our Kansas City address (and is he not located in our Kansas City office), it thus had to go through internal channels for forwarding to this office. Our law firm then did not receive a copy of the Order until today.

We therefore respectfully request that the Commission direct copies of all future orders, etc. in this case to Mr. DeFord at the address as shown on the service list.

Thank you for your attention to this matter.

Sincerely,

LATHROP & GAGE L.C.

By:

Susan Kliethermes, Paralegal

enc.

cc: Paul S. DeFord, Esq.
Kurt U. Schaefer, Esq.

*Corrections made
10/23/00*

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 11, 2000

CASE NO: TA-2000-709

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

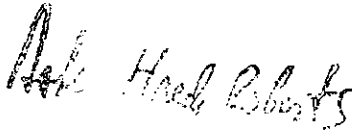
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

✓ ~~Kurt U. Schaefer~~ *Paul S. DeFord*
Lathrop & Gage, L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108

Mimi B. MacDonald
Southwestern Bell Telephone Company
One Bell Center, Room 3510
St. Louis, MO 63101

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 11, 2000**

CASE NO: TA-2000-709

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

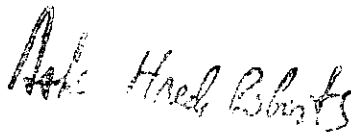
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Southwestern Bell Telephone Company
One Bell Center, Room 3510
St. Louis, MO 63101

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of OnFiber)
Carrier Services, Inc., for Authority to)
Provide and/or Resell Basic Local and Local) Case No. TA-2000-709
Exchange and Intrastate Telecommunications)
Services in the State of Missouri.)

ORDER ADOPTING PROCEDURAL SCHEDULE

OnFiber Carrier Services, Inc. (OnFiber), filed an application for authority to provide and/or resell basic local, local exchange and interexchange telecommunications services in the state of Missouri under 4 CSR 240-2.060. On June 19, 2000, the Commission issued its order directing the parties to file a proposed procedural schedule no later than July 10, 2000. OnFiber filed a Motion for Extension of Time to File Stipulation and Agreement on July 10, 2000. The Commission granted the request and extended the due date to August 10, 2000. On August 10, 2000, OnFiber again requested an extension. The Commission granted the request and extended the deadline to September 10, 2000. On September 7, 2000, OnFiber filed a third Motion for Extension of Time to File Stipulation and Agreement. The Commission granted the motion and extended the deadline to September 29, 2000.

On September 29, 2000, Staff filed a Proposed Procedural Schedule. Staff states that a proposed stipulation and agreement has been distributed among the parties and most of the issues have been resolved. Staff indicates that it expects that the parties will file a stipulation and agreement prior to the proposed procedural

schedule's due date for direct testimony. Staff notes that Southwestern Bell Telephone Company and the Office of the Public Counsel have no objection to the proposed procedural schedule. Staff does not state whether OnFiber concurs with the proposed procedural schedule. No objections to the proposed procedural schedule were filed.

The Commission has reviewed the proposed procedural schedule and finds it to be appropriate. The Commission will apply the conditions set out below to the procedural schedule in this case.

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays in the proceedings caused by allegations of unfair surprise at the hearing.

(B) Pursuant to 4 CSR 240-2.130(15), testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. The Commission will view any

issue not contained in this list of issues as uncontested and not requiring resolution.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not contain argument about why the party believes its position to be the correct one.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the regulatory law judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(G) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted, subject to the conditions discussed above.

<u>Event</u>	<u>Date</u>
Direct testimony by company	October 30, 2000 4:00 p.m.
Rebuttal testimony (all other parties)	November 20, 2000 4:00 p.m.
Surrebuttal testimony by all parties	December 8, 2000 4:00 p.m.
Prehearing conference	December 15, 2000 10:00 a.m.
Statement of issues, including order of witnesses and order of cross-examination	December 29, 2000 4:00 p.m.
Statements of position	January 10, 2001 4:00 p.m.
Hearing	January 22, 2001 8:30 a.m.

2. That the prehearing conference and evidentiary hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans With Disabilities Act. If you need additional accommodations to participate in the prehearing or hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

3. That this order shall become effective on October 21, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 1994.

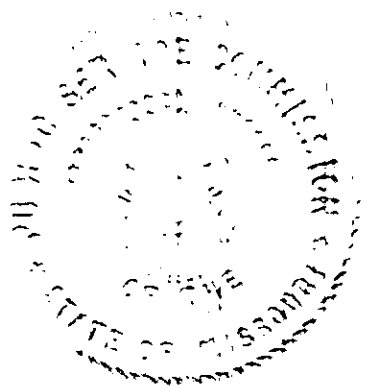
Dated at Jefferson City, Missouri,
on this 11th day of October, 2000.


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 11th day of Oct. 2000.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge