

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

August 24, 1999

CASE NO: TC-2000-155

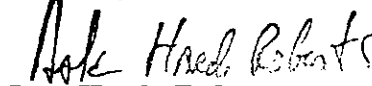
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Tracy D. Pagliara, Esq.
GTE Midwest Incorporated
601 Monroe, Suite 304
Jefferson City, MO 65101

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

Enclosed find certified copy of a NOTICE in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Gerry Miller, Presiding Commissioner,)	
County of Barton,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2000-155</u>
)	
GTE Midwest Incorporated,)	
)	
Respondent.)	

NOTICE OF COMPLAINT

Tracy D. Pagliara, Esq.
GTE Midwest Incorporated
601 Monroe, Suite 304
Jefferson City, Missouri 65101
CERTIFIED MAIL

On August 18, 1999, Gerry Miller, Presiding Commissioner of Barton County, filed a complaint with the Missouri Public Service Commission against GTE Midwest Incorporated, a copy of which is enclosed. Pursuant to 4 CSR 240-2.070, GTE Midwest Incorporated shall have **30 days** from the date of this notice to file an answer or to file notice that the complaint has been satisfied.

In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for **voluntary mediation** of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not the Complainant is also willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer shall be due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed.

If the Complainant declines the opportunity to seek mediation, the Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

2

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

A copy shall be served upon the Complainant at the Complainant's address as listed within the enclosed complaint. A copy of this notice has been mailed to the Complainant.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 24th day of August, 1999.

Ruth, Regulatory Law Judge

Copy to: Gerry Miller
Presiding Commissioner, County of Barton
1004 Gulf
Lamar, Missouri 64759

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

FILED

AUG 18 1999

GERRY MILLER, PRESIDING COMMISSIONER
COUNTY OF BARTON)

(your name))

Complainant)

vs.)

) Case No.

TC-2000-155

GTE TELEPHONE COMPANY)

(company name))

Respondent.)

Missouri Public
Service Commission

COMPLAINT

Complainant resides at 1004 GULF, LAMAR, MO 64759

1. Respondent, GTE TELEPHONE COMPANY
(company name)

of _____, is a public utility under the jurisdiction of
the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, complainant states the following facts:

BARTON COUNTY WENT ON LINE WITH COUNTY-WIDE 911 SERVICE IN THE FALL OF 1993,
WITH COLLECTION OF SURCHARGE BEGINNING FALL OF 1991. GTE HAS BEEN BILLING VERNON
COUNTY RESIDENTS IN THE SHELDON EXCHANGE FOR THIS SERVICE SINCE THE BEGINNING
OF THE FALL, 1991.

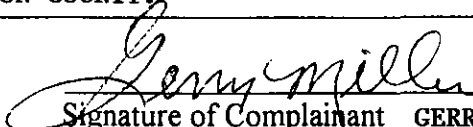
3. The complainant has taken the following steps to present this complaint to the respondent:

IN 1991, GTE WAS GIVEN THE NAMES AND ADDRESSES OF BARTON COUNTY RESIDENTS TO
BE CHARGED FOR 911 SERVICE. THEN BARTON COUNTY STARTED RECEIVING PHONE CALLS
FROM VERNON COUNTY RESIDENTS THAT THEY WERE BEING CHARGED THE 15% SURTAX FOR
EMERGENCY SERVICE. GTE WAS CONTACTED NUMEROUS TIMES CONCERNING THIS PROBLEM
AND EACH TIME GTE RESPONDED THEY WOULD REMOVE THE VERNON COUNTY RESIDENTS AND
GIVE THEM A REFUND IF WE WOULD IDENTIFY THE RESIDENTS NOT IN BARTON COUNTY
FROM THE LIST THEY SENT. AFTER THIS PROCEDURE WAS DONE FOR THE FOURTH TIME,
WE WERE CONTACTED BY A VERNON COUNTY RESIDENT LAST WEEK THAT THEY WERE STILL
BEING CHARGED.


WHEREFORE, Complainant now requests the following relief:
GTE PAY ALL BACK PAYMENTS, SINCE 1991, TO ALL OUT-OF-COUNTY RESIDENTS BEING
CHARGED FOR BARTON COUNTY 911 SERVICE, AND SUPPLY TO THE BARTON COUNTY COMMISSION
THE NAMES AND PHONE NUMBERS, AMOUNTS PAID AND THE DATE THE REFUND WAS MADE TO
THOSE RESIDENTS OUTSIDE OF BARTON COUNTY.

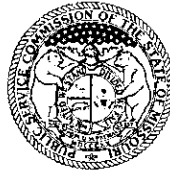
AUGUST 2, 1999

Date


Signature of Complainant

GERRY MILLER
PRESIDING COMMISSIONER


Steven H Kaderly, #36746
Barton County Prosecuting Attorney
114 West 10th Street, P. O. Box 459
Lamar MO 64759-0459



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

Date: January 25, 1999



Dale Hardy Roberts
Secretary of the Commission

P 505 766 664

US Postal Service

TC-2000-155

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Gerry Miller	
Street & Number	
1104 Broadway	
Post Office, State, & ZIP Code	
Camar, MO 64759	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

**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 24TH day of AUGUST, 1999.



Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge