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Saturday, December 4, 1999

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge of the Commission
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

FILED

DEC 13 1999

**Missouri Public
Service Commission**

Dear Judge Roberts:

RE: Case No. TC-2000-56

Enclosed find for filing with the Commission in the above-referenced case are an original and fourteen (14) copies of my **response** to Southwestern Bell Telephone Company's Motion to Dismiss and in the Alternative to Set a Prehearing Conference AND Complainant's Request for Immediate Ruling of Default Against Southwestern Bell Telephone Company and in the Alternative Complainant's Request for Mediation.

Sincerely,

Tom Cupples

Enclosure

Cc: Katherine C. Swaller, Attorney for Southwestern Bell Telephone Company

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BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

FILED

DEC 13 1999

Missouri Public
Service Commission

_____))
_____))
Tom Cupples, Complainant))
_____))
_____))
vs.))
_____))
_____))
Southwestern Bell Telephone Company,))
Respondent))
_____))

Case No. TC-2000-56

**RESPONSE TO SOUTHWESTERN BELL TELEPHONE COMPANY'S MOTION TO DISMISS
AND IN THE ALTERNATIVE TO SET A PREHEARING CONFERENCE AND
COMPLAINANT'S REQUEST FOR IMMEDIATE RULING OF DEFAULT AGAINST
SOUTHWESTERN BELL TELEPHONE AND IN THE ALTERNATIVE COMPLAINANT'S
REQUEST FOR MEDIATION**

Based upon the following facts in this case, I will request that the previous motion of Southwestern Bell Telephone Company be denied and that Complainant's Request For Immediate Ruling Of Default Against Southwestern Bell Telephone Company be affirmed and in the alternative Complainant's Request for Mediation be extended.

1. In response to item #1 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant does not object.
2. In response to item #2 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that a Notice of Complaint was received from the Commission on or about September 17, 1999; however, no response was received from SWBT Company or its representatives. Complainant will request copies of all documents in this case.
3. In response to item #3 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that no such document was received by Complainant. Complainant will request copies of all documents in this case.

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4. In response to item #4 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that no such document was received by Complainant. Complainant will request copies of all documents in this case.
5. In response to item #5 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that no such information was provided to Complainant. Complainant will request copies of all documents in this case.
6. In response to item #6 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that in conjunction with lack of disclosure by SWBT Company in this case and their reinitiating of disconnection threats are perceived by the Complainant as being harassment. Subsequent to these actions, Complainant requests that this case be ruled for the Complainant and that in the absence of such ruling a mediation request be accepted from the Complainant.
7. In response to item #7 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that no such document was received by Complainant as indicated in above #4. Complainant will request copies of all documents in this case.
8. In response to item #8 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that all non-disputed billings by Southwestern Bell Telephone Company have been paid by the Complainant on time. Therefore, interruption of service is not warranted under these proceedings. However, continued harassment by SWBT Company and lack of disclosure in these proceedings has caused a great deal of distress for the Complainant.
9. In response to item #9 of Southwestern Bell Telephone Company's Motion To Dismiss and in the Alternative To Set A Prehearing Conference, the Complainant affirms that SWBT Company has hindered prosecution of this case by non-disclosure and harassment. As a result, the Complainant requests that the commission rule in default against Southwestern Bell Telephone Company and release Complainant of these unfounded charges as well as cause SWBT Company to pay

compensation to Complainant for inconveniences and harassment experience in this case. Such compensation to be set at the Commission's discretion.

10. Complainant has responded to all documents received from SWBT Company.
11. Complainant has received documents only as affirmed in this filing.

Complainant charges that SWBT Company has hindered the prosecution of this case by non-disclosure and harassment. Complainant requests relief in form of a default ruling against SWBT Company and compensation for such actions against the Complainant as the Commission deems appropriate. In the Alternative to a default ruling against SWBT Company, Complainant request mediation in this case.

Respectfully submitted;

A handwritten signature in black ink, appearing to be 'Tom Cupples', written over a circular stamp or mark.

Tom Cupples
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