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December 1, 1999

FILED

DEC 3 1999

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

Missouri Public
Service Commission

Dear Judge Roberts:

Re: Case No. TC-2000-56

Enclosed for filing with the Commission in the above-referenced case are an original and fourteen (14) copies of Southwestern Bell Telephone Company's Motion to Dismiss and in the Alternative to Set a Prehearing Conference.

Also enclosed is an additional copy to be file stamped and returned to us in the enclosed self-addressed, stamped envelope.

Thank you for bringing this matter to the attention of the Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Swaller".

Enclosures

cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

DEC 3 1999

Missouri Public
Service Commission

Tom Cupples,

Complainant,

vs.

Southwestern Bell Telephone Company,

Respondent.

Case No. TC-2000-56

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
MOTION TO DISMISS AND IN THE ALTERNATIVE
TO SET PREHEARING CONFERENCE**

COMES NOW Southwestern Bell Telephone Company (Southwestern Bell) and for its Motion to Dismiss and in the Alternative to Set a Prehearing Conference states as follows:

1. On July 26, 1999, Tom Cupples filed a Complaint with this Commission.
2. On September 15, 1999, Southwestern Bell filed a Request for Mediation.
3. On September 20, 1999, Southwestern Bell filed its Motion to Dismiss and in the Alternative Answer in case the request for mediation was denied or rejected.
4. On September 23, 1999, the Commission sent a notice to Mr. Cupples directing him to respond to the request for mediation. Mr. Cupples failed to respond to the notice.
5. On October 29, 1999, the University of Missouri-Columbia Community Mediation Service sent a notice to the Office of Public Counsel advising that they were closing their file since "Mr. Tom Cupples has failed to contact the Clinic and respond to the mediation request." It does not appear that Mr. Cupples was provided with a copy of that letter.
6. After that notice, Southwestern Bell mistakenly re-initiated disconnect activities, but has cancelled all such activity given the continued pendency of this Complaint. At no time did Mr. Cupples lose telephone service due to this error.

7. The Commission's September 23, 1999 Notice Directing Response to Mediation Request provides that "If Mr. Cupples declines the mediation request or does not respond within fifteen (15) days of the date of this Order, the Commission will proceed with this case by setting a prehearing conference and by requiring the parties to file a procedural schedule." Notice at pp. 1-2.

8. Other than filing the original complaint, Mr. Cupples has failed to pursue this case. In the meantime he continues to enjoy telephone service without requirement that he pay debts incurred nearly one year ago.

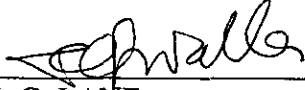
9. Southwestern Bell urges the Commission to dismiss this complaint for failure to prosecute, and in the alternative set a prehearing conference so that this case may be resolved.

WHEREFORE, Southwestern Bell urges the Commission to dismiss this case for failure to prosecute and in the alternative to set a prehearing conference.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY


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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the Service List by first-class postage prepaid, U.S. Mail on December 1, 1999.


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