

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

August 3, 2000

CASE NO: TC-2000-767

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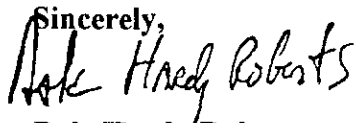
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 3rd
day of August, 2000.

Stone County Emergency Services,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2000-767</u>
)	
GTE Midwest Incorporated and)	
Southwestern Bell Telephone Company,)	
)	
Respondents.)	

**ORDER DENYING MOTION TO DISMISS COMPLAINT, DENYING MOTION FOR
RECONSIDERATION AND ORDERING STAFF TO INVESTIGATE**

On May 18, 2000, Stone County Emergency Services (Stone County) filed a complaint against Southwestern Bell Telephone Company (SWBT) and GTE Midwest Incorporated (GTE), alleging that SWBT and GTE have failed to provide proper 911 services to their customers in Stone County. A Notice of Complaint was issued on May 23. SWBT and GTE filed separate answers to the Complaint on June 22. Along with its answer, GTE also filed a motion to dismiss and a request for mediation.

The Commission directed the other parties to respond to the request for mediation no later than July 10. SWBT indicated that it was willing to participate in mediation but Stone County declined the offered mediation. As not all parties consented to mediation, the Commission, on

18

July 13, issued an order that scheduled a prehearing conference and directed the parties to file a procedural schedule. The prehearing conference is now scheduled for August 7.

On July 21, GTE filed a Motion for Reconsideration and Request for Staff Investigation. GTE's motion points out that the Commission has not yet ruled upon the Motion to Dismiss filed by GTE on June 22. GTE also requests that the Commission direct its Staff to conduct an investigation as to the cause of the complaint and file a report of its findings pursuant to 4 CSR 240-2.070(10).

GTE's motion for reconsideration is not technically proper because it asks the Commission to reconsider a motion that it has not yet ruled upon. For that reason, the motion for reconsideration will be denied. Apparently, the real intent of the motion for reconsideration was to prompt the Commission to rule upon the previously filed motion to dismiss. The Commission will take up that motion at this time.

GTE's motion to dismiss indicates GTE's belief that it has fully resolved the issues raised in paragraphs 2(a), (c) and (d) of the complaint to the satisfaction of Stone County. GTE attached copies of correspondence between itself and Stone County indicating that progress was being made toward a resolution of the dispute. GTE further alleges that it is working with customers to resolve any outstanding tax collection issues related to the allegations in paragraph 2(b) of the complaint and expects those issues to be fully resolved shortly. On July 28, Stone County filed a response to GTE's motion for reconsideration that also addressed the motion to dismiss. Stone County

denied that any of the issues raised in its complaint have been fully resolved. Given Stone County's response, it is apparent that issues remain to be decided by the Commission. GTE's motion to dismiss will be denied.

GTE also requests that the Commission's Staff be directed to investigate this complaint. The Commission finds that the assistance of its Staff will be useful. Staff will be directed to conduct an investigation of this complaint and to file its report with the Commission and the parties as permitted by 4 CSR 240-2.070(10). The Staff will conduct its investigation promptly and the investigation will not delay the resolution of this complaint. The date by which Staff shall file its report will be established as part of the procedural schedule to be discussed by the parties at the August 7 prehearing conference.

IT IS THEREFORE ORDERED:

1. That GTE Midwest Incorporated's Motion for Reconsideration is denied.
2. That GTE Midwest Incorporated's Motion to Dismiss is denied.
3. That the Staff of the Commission is directed to conduct an investigation of this complaint and to file its report with the Commission and the parties.

4. That this order shall become effective on August 15, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray, Schemenauer,
and Simmons, CC., concur

Woodruff, Regulatory Law Judge

ALJ/Sec'y:

Woodruff/Boye

8-1
Date Circulated

TC-2000-767
CASE NO.

SL
Lumpe, Chair

all
Drainer, Vice Chair

Jim
Murray, Commissioner

RC
Schemenauer, Commissioner

KS
Simmons, Commissioner

8-3
Agenda Date

Action taken:

5-OAS

Must Vote Not Later Than

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 3rd day of Aug. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

