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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the application of U.S. Telco,)
Inc., for Waiver and/or Variance of Certain) Case No. TO-97-525
Commission Rules.)

ORDER ADOPTING PROCEDURAL SCHEDULE

U.S. Telco, Inc. (U.S. Telco) filed an application on June 5, 1997, requesting waiver of the application of certain Commission rules in regard to the prepaid basic local telecommunications service it will offer. The Commission granted intervention to Southwestern Bell Telephone Company and directed the parties to file a procedural schedule or a stipulation and agreement no later than September 19. U.S. Telco filed a Motion to Establish Procedural Schedule on September 19, stating that the parties were amenable to the proposed schedule. The Commission will adopt the proposed procedural schedule as set out in the ordered paragraphs below. The Commission finds that the following conditions shall be applied to the schedule:

A. The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. 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. The Commission expects the parties to comply with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

B. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers the

information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered information open to the public.

C. The parties shall file a Hearing Memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing, definitions of terms used in describing those issues, and each party's position on those issues. The Commission Staff will be responsible for preparing and filing the Hearing Memorandum. The Commission wishes to emphasize the importance of the deadline for filing the Hearing Memorandum. Unless the Commission orders otherwise, the Hearing Memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue at least two business days before the due date. If a party fails to provide its position by that date, the Staff is not obligated to include that party's position in the Hearing Memorandum.

The Hearing Memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the Hearing Memorandum will be viewed as uncontested and not requiring resolution by the Commission.

D. The Commission's general policy provides for the filing of the transcript ten working days after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the administrative law judge at least five days before the hearing.

E. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. The briefs to be submitted by the parties shall follow the same format established in the Hearing Memorandum. Initial briefs must set

forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted for this proceeding, subject to the conditions discussed above:

Direct testimony	-	October 22, 1997, 3:00 p.m.
Rebuttal testimony	-	November 17, 1997, 3:00 p.m.
Surrebuttal and cross-surrebuttal testimony	-	December 18, 1997, 3:00 p.m.
Hearing Memorandum	-	January 14, 1997
Evidentiary hearing	-	January 21, 1997, 10:00 a.m.

2. The evidentiary hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing conference or hearing at: Consumer Services Hotline — 1-800-392-4211 or TDD Hotline — 1-800-829-7541.

3. That this order shall become effective on September 26, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

L. Anne Wickliffe, Deputy Chief
Administrative Law Judge, by
delegation of authority pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 26th day of September, 1997.