

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 10, 2000**

CASE NO: TC-2000-155

Office of the Public Counsel
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Tracy D. Pagliara, Esq.
GTE Midwest Incorporated
601 Monroe, Suite 304
Jefferson City, MO 65101

Gerry Miller
Presiding Commissioner
Barton County Courthouse
1104 Broadway
Lamar, MO 64759

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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 10th
day of February, 2000.

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

ORDER DISMISSING COMPLAINT

Gerry Miller, Presiding Commissioner of Barton County (Complainant), filed a complaint with the Missouri Public Service Commission against GTE Midwest Incorporated (GTE) on August 18, 1999. The Commission issued a Notice of Complaint on August 24, 1999. On October 26, 1999, the Commission issued an order which directed GTE to file, within 10 days, either an answer or notice that the complaint has been satisfied. GTE filed its response on November 5, 1999, and indicated that it has worked with Complainant to resolve all issues of concern. GTE stated that based on its communications with officials of Barton County, GTE believes this matter has been substantially resolved to their satisfaction. GTE also noted that it expects that a settlement will be resolved in the near future.

The Commission issued a Second Order Directing Filing on November 16, 1999, which directed the Complainant to respond to GTE's filing by either confirming or denying that the matter has been satisfactorily resolved. Complainant did not comply as directed, so the Commission issued a notice on December 28, 1999, indicating that if Complainant did not file a response by January 7, 2000, the case would be dismissed.

On January 3, 2000, Complainant filed a letter which indicated that the matter had not been resolved to his satisfaction. Therefore, the Commission issued an Order Directing Staff Investigation and Report on January 5, 2000. The order directed Staff to investigate the complaint and to address the question of whether or not the Commission has the jurisdiction to grant the relief requested.

The Staff of the Public Service Commission (Staff) filed a Staff Recommendation on January 27, 2000. Staff states that it has completed its investigation and believes that GTE has resolved all the issues set forth in the complaint by refunding all moneys to residents who were charged improperly and by authorizing Staff to provide the requested lists to the Barton County Commission. Staff also indicates that as the underlying complaint has been addressed, it may be unnecessary to address the jurisdictional issues presented in the case. Staff recommended that the Commission close the case or, in the alternative, grant the Staff until February 17, 2000, to address the jurisdictional issues, if necessary.

The Commission has reviewed the Staff Recommendation and finds that the complaint appears to have been satisfied by the refund of all moneys to residents who were charged improperly and by GTE authorizing

Staff to provide the requested lists to the Barton County Commission. Therefore, it is unnecessary to address the jurisdictional question and the this case may be closed.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Gerry Miller, Presiding Commissioner of Barton County, against GTE Midwest Incorporated is dismissed.
2. That this order shall become effective on February 23, 2000.
3. That this case may be closed on February 24, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Ruth, Regulatory Law Judge

ALJ/Sec'y: Ruth / P e

2-4
Date Circulated

TC-2000-155
CASE NO.

[Signature]
Lumpe, Chair

[Signature]
Crumpton, Commissioner

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Drainer, Vice-Chair

*what is the jurisdictional
problem that we are
not addressing?*

2-10
Agenda Date

Action taken: 5-0 AS

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 10th day of FEBRUARY 2000.



Dale Hardy Roberts
Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge