

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

**July 24, 1998**

**CASE NO: TO-98-115**

**Office of the Public Counsel**

P.O. Box 7800  
Jefferson City, MO 65102

**Paul G. Lane/Diane J. Harter  
Leo J. Bub/Anthony K. Conroy**  
Southwestern Bell Telephone Company  
100 N. Tucker, Room 630  
St. Louis, MO 63101

**General Counsel**

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Paul S. DeFord**  
Lathrop & Gage, L.C.  
2345 Grand Blvd.  
Kansas City, MO 64108

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

Sincerely,



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

**Uncertified Copy:**

**Mark Witcher**  
AT&T Communications  
Suite 1500, 919 Congress  
Austin, TX 78701

**Brent Stewart**  
Stewart & Keevil, LLC  
1001 Cherry Street, Suite 302  
Columbia, MO 65201-7931

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of AT&T Communications of the )  
Southwest, Inc.'s Petition for Second Compulsory )  
Arbitration Pursuant to Section 252(b) of the ) Case No. TO-98-115  
Telecommunications Act of 1996 to Establish an )  
Interconnection Agreement with Southwestern Bell )  
Telephone Company. )

**ORDER ESTABLISHING PROCEDURAL SCHEDULE FOR**  
**SETTING PERMANENT RATES**

On December 23, 1997, the Commission issued its Arbitration Order, setting interim rates under which Southwestern Bell Telephone Company (SWBT) would be required to offer services and unbundled network elements to AT&T Communications of the Southwest, Inc. (AT&T). The Arbitration Order required the Commission's Arbitration Advisory Staff (AAS) to file a report containing the AAS's recommendations as to the appropriate permanent rates for the services and elements for which interim rates were being established (AAS Report). The Commission specified that the AAS should use the same permanent rate costing approach adopted in Case No. TO-97-40 and should comment on the alternative costing approaches proposed by the parties during the AAS Report preparation period. The Commission anticipates that the AAS Report will be filed no later than July 24, 1998.

The Arbitration Order also specified that the parties would have an opportunity to file comments on the rates and the costing model proposed by the AAS and to support their positions with affidavits and schedules. The Commission also indicated that it would hold a hearing for the sole purpose of providing the Commissioners with an opportunity

to ask questions of the parties, the AAS and the Office of the Public Counsel, and that there would be no opportunity for cross-examination by the parties. The Commission stated that the parties would be permitted to file briefs following the hearing.

The Commission finds that deadlines should now be established for the filing of comments and that a date for the hearing should be set. The Records Department of the Commission should provide copies of the AAS Report to all parties of record and to the Commissioners and the Regulatory Law Judge as though it were an order issued by the Commission. The procedural schedule set forth below will give the parties adequate opportunity to present their positions while moving the parties toward a permanent solution of their disputed issues without delay. The Commission will therefore require the parties to adhere to the procedural schedule set forth below and that the following conditions shall be applied to the procedural schedule:

(A) Any testimony and schedules filed with the parties' comments shall conform to the Commission's rule on prefiling of testimony, as set forth in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. Testimony and schedules shall also be submitted on a diskette in ASCII format. 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 caused by allegations of unfair surprise at the hearing. Each party shall identify in its comments and supporting testimony and schedules the issues which remain in dispute at the time of filing, as well as its position on each of these issues. Each party shall also identify the issues that have been settled and

include the language agreed to by the parties to settle each such issue. The issues shall be addressed in the same order that they are addressed in the AAS Report. The parties will not be permitted to raise issues after the period for commenting on the AAS Report if they have not been discussed in the comments and supporting testimony and schedules.

(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 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 public information.

(C) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the regulatory law judge at least five days prior to the date of the hearing.

(D) It is appropriate to limit the length of initial briefs to 50 pages and reply briefs to 25 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. 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.

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is established for this case:

Comments and Supporting  
Affidavits and Schedules,  
SWBT and AT&T

- August 24, 1998  
3:00 p.m.

Hearing - Questions by  
Commissioners

- September 4, 1998  
9:00 a.m.

2. That the hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

3. That the Records Department of the Commission shall deliver copies of the AAS Report as described in this order.

4. That this order shall become effective on August 3, 1998.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Amy E. Randles, Regulatory 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 24th day of July, 1998.

ALJ/Sec'y:

Randles / Pope

7-23  
Date Circulated

7-24  
Return by 3 p.m.

70-98-115  
CASE NO.

*SL*  
Lumpe, Chair

Crumpton, Commissioner

*CM*  
Murray, Commissioner

*SL*  
Schemenauer, Commissioner

*el*  
Drainer, Vice-Chair

**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 24th day of July, 1998.

*Dale Hardy Roberts*

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