

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 17, 1999**

CASE NO: TC-2000-56

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Legal Department
Southwestern Bell Telephone Company
One Bell Center
St Louis, MO 63101

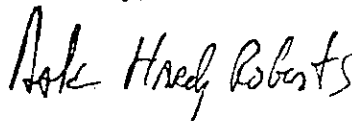
Tom Cupples
211 Sutters Mill Road
St. Peters, MO 63376

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

Jim Levin, Director
Center for Dispute Resolution
206 Hulston Hall
Columbia, MO 65211

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

Sincerely,



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

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Tom Cupples,)	
)	
	Complainant,)
v.)	<u>Case No. TC-2000-56</u>
)	
Southwestern Bell Telephone Company,)	
)	
	Respondent.)

MEDIATION REFERRAL ORDER
AND ORDER CANCELING PREHEARING CONFERENCE

On July 26, 1999, Tom Cupples filed a complaint with the Missouri Public Service Commission against Southwestern Bell Telephone Company (SWBT) regarding a billing disagreement. The Commission issued its Notice of Complaint on August 20, 1999, providing 30 days for SWBT to file an answer, or, in the alternative, to file a request for mediation. On September 15, 1999, SWBT filed its Request for Mediation. On September 20, 1999, SWBT also filed its Motion to Dismiss and in the Alternative Answer of Southwestern Bell Telephone Company.

On September 23, 1999, the Commission issued its Notice Directing Response to Mediation Request. The Commission did not receive a response from the Complainant. On November 3, 1999, the University of Missouri-Columbia, Community Mediation Service filed a letter stating that their office was closing their mediation file for this case. On December 3, 1999, SWBT filed a Motion to Dismiss or in the Alternative to Set a Prehearing Conference. Mr. Cupples filed a

response to SWBT's December 3, 1999, motion on December 13, 1999. Mr. Cupples requested a default judgment or, in the alternative, requested mediation.

The Commission's order setting a prehearing conference for December 30, 1999, was issued on December 8, 1999, prior to Mr. Cupples' December 13, 1999 filing. It appears that the parties desire an opportunity to mediate the issues raised in the complaint. Therefore, the prehearing conference will be canceled and the Commission will direct the parties to mediation as requested.

IT IS THEREFORE ORDERED:

1. That the prehearing conference scheduled for December 30, 1999, is canceled.
2. That this matter is referred to mediation.
3. That initial designated contacts for the mediation and subsequent matters are as follows:

COMPLAINANT:

Tom Cupples
211 Sutters Mill Road
Saint Peters, Missouri 63376
636/447-6062

RESPONDENT:

Katherine C. Swaller
One Bell Center, Room 3536
St. Louis, Missouri 63101
314/235-4099

MEDIATOR(S):

Jim Levin, Director, and [Law Student]
Center for Dispute Resolution
University of Missouri School of Law
206 Hulston Hall
Columbia, Missouri 65211
573/882-1630
573/882-3343 (fax)

COMMISSION:

Secretary
Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

4. That the Commission's Records Manager shall mail this Order to each party. The Records Manager shall mail this Order and copies of the Complaint, Respondent's Request for Mediation (December 15, 1999 filing) and Complaint's written consent to mediation (December 13, 1999 filing) to the Mediator.

5. That the Complainant and Respondent shall each individually contact the Mediator within 15 days of the effective date of this Order to obtain instructions from the Mediator, to review the Complaint and to schedule a MEDIATION CONFERENCE. Any mediation conference shall be scheduled in the Commission's offices in Jefferson City, Missouri, or the offices of the mediator in Columbia, Missouri, unless the Mediator consents to a different location that is mutually agreed to by the parties.

6. That the process of mediation shall continue until the parties have reached a settlement, until any party is unwilling to proceed further, until the Mediator(s) determines that further efforts would be of no avail, or until the Commission remands this matter from mediation.

7. That the unexcused absence and failure of any party to attend any mediation conference will end the mediation process and cause a mandatory procedural schedule to be set by the Commission. Attendance will only be recognized if the party or representative attending has full authority to negotiate.

8. That the mediation process is voluntary and any party may notify the Secretary of the Commission by letter when the mediation process has ended.

9. That the mediation process is informal and any party may communicate with the Mediator individually without the presence of other parties. Information disclosed to the Mediator, including any settlement offer, is confidential and privileged and will not be disclosed to the Commission.

10. That each party shall advise the Commission in writing of the status of the mediation process by letter not later than the last day of each month beginning with the first full month after the effective date of this Mediation Referral Order.

11. That any proposed full or partial settlement agreement shall be in writing and shall be filed with the Secretary of the Commission for review and approval by the Commission. A settlement may be shielded from disclosure and filing with the Commission if the Commission is notified in writing that a settlement has been reached and the case is voluntarily dismissed.

12. This order shall become effective on December 17, 1999.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Keith Thornburg, 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 17th day of December, 1999.

P 102 316 529

US Postal Service *TC-2000-56*
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to <i>Jim Levin, Director</i>	
Street & Number <i>206 Hulston Hall</i>	
Post Office, State, & ZIP Code <i>Columbia, MO 65211</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 ■ Complete items 1 and/or 2 for additional services. *TC-2000-56*
 ■ Complete items 3, 4a, and 4b.
 ■ Print your name and address on the reverse of this form so that we can return this card to you.
 ■ Attach this form to the front of the mailpiece, or on the back if space does not permit.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: <i>Jim Levin, Director Center for Dispute Resolution 206 Hulston Hall Columbia, MO 65211 Date: <i>woody</i></i>	4a. Article Number <i>P505 766 642</i>
4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD	7. Date of Delivery DEC 21 1999
5. Endorser's Full Name <i>Gov. of MO. Columbia</i>	8. Addressee's Address (Only if requested and fee is paid)
6. Signature (Addressee's) <i>Central Mail Service</i> X	

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 1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
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PS Form 3811, December 1994

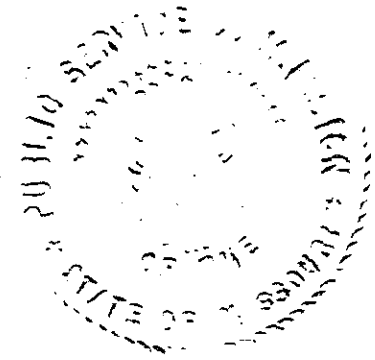
Domestic Return Receipt

**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 17th day of December 1999.

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



PS Form 3800, April 1995