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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Motion to)	
Establish a Docket Investigating)	
the IntraLATA Toll Service)	
Provisioning Practices of Missouri)	
Interexchange Carriers, Public)	<u>Case No. TO-2000-16</u>
Utility or Common Carrier Duties of)	
Interexchange Carriers, Motion)	
to Show Cause, Request for Emergency)	
Hearing, and Alternative Petition)	
for Suspension and Modification)	

ORDER DENYING MOTIONS TO COMPEL

On July 9, 1999, the Mid-Missouri Group of small telephone companies¹ filed a motion requesting that the Commission investigate the toll provisioning practices of Interexchange Carriers (IXCs), establish common carrier duties of IXCs, require AT&T Communications of the Southwest, Inc. (AT&T) to show cause why it should not be subject to penalties, or, in the alternative, delay the termination of the Primary Toll Carrier (PTC) plan. In its Order Directing Notice, Directing Reports, and Requiring Record Collection, the Commission declined to expand the scope of the investigation into the business practices of all

¹ MMG consists of Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, Modern Telecommunications Company, MoKan Dial, Inc., Northeast Missouri Rural Telephone Company, and Peace Valley Telephone Company.

IXCs. The heart of MMG's concern is AT&T's provision (or lack thereof) of 1+ intraLATA dialing in the service areas of the Secondary Carriers (SCs).

On July 16, 1999, the Office of the Public Counsel (Public Counsel) served data requests (DRs) on Southwestern Bell Telephone Company (SWBT) and GTE Midwest Incorporated (GTE). SWBT and GTE both objected to DRs 7 and 8 on the basis of relevance, and GTE additionally objected that answering would be unduly burdensome.

The text of the two DRs in dispute is as follows:

Please provide the number of customer complaints received by your company concerning the implementation of intraLATA 1+ presubscription in your service area. Please identify the nature of the complaints and, if written or memorialized in writing by the company, please provide a copy.

and

Please describe the training, instructions and information your company has provided your customer service representatives to answer customer inquiries about the intraLATA toll carrier (1+ presubscription) process and assist customer to resolve problems with the presubscription process. If written manuals, instructions, frequently asked questions, scripts, talking points and other guides were provided, please provide a copy of such materials.

On September 9, 1999, Public Counsel filed motions to compel SWBT and GTE to respond to the two DRs. Public Counsel asserts that the information sought in DR 7 could "lead to admissible evidence related to IXC practices and the public interest of maintaining an interLATA carrier of last resort." Public Counsel states that the information sought in

DR 8 is relevant to assist Public Counsel in investigating the scope of any customer complaints and the information given to the public by incumbent local exchange companies (LECs)².

On September 20 and September 23, 1999, respectively, SWBT and GTE responded to Public Counsel's motion to compel. SWBT reiterates the claim it made in its objection that the information sought has no relevance to the issues in this case. GTE states, as it did in its objection, that the information sought is not relevant and would be burdensome to produce.

With respect to Public Counsel's rationale for requiring the information sought in DR 7, the Commission has already declined to extend the scope of this case to business office practices of IXCs, and it will also decline to extend it to interLATA carrier of last resort issues. Furthermore, there has been no allegation that customers in the exchanges of SWBT and GTE have experienced the kinds of problems experienced in SC exchanges, and the Commission will not extend the scope of this case to

² Public Counsel devotes part of its discussion to its authority to issue DRs outside of the context of a docketed case, and SWBT and GTE responded to this discussion. Because the Commission determines that the DRs at issue do not seek information relevant to the issues in this case, it will not address Public Counsel's arguments about its general authority.

deal with intraLATA dialing parity implementation issues outside of SCexchanges³. The motions to compel responses to DR 7 will be denied.

DR 8 seeks information about the training of LEC (specifically SWBT and GTE) customer service representatives. The Commission does not intend to expand the scope of this case to encompass LEC business office practices. The motions to compel responses to DR 8 will be denied.

IT IS THEREFORE ORDERED:

1. That the motions to compel filed by the Office of the Public Counsel on September 9, 1999, are denied.

2. That this order shall become effective on October 14, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief 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 4th day of October, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

3 Certainly, if Public Counsel believes there were problems when intraLATA dialing parity was implemented in GTE exchanges that merit a Commission investigation now, it may request that the Commission open such an investigation. And if Public Counsel believes that there are problems with intraLATA dialing parity implementation in SWBT exchanges, it may request that the Commission open an investigation.