

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
July 6, 2000**

CASE NO: TC-2000-56

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Jefferson City, MO 65102

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Missouri Public Service Commission
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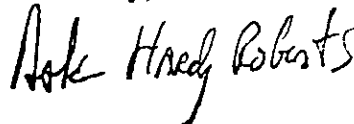
Paul G. Lane/Leo J. Bub
Anthony K. Conroy/Mimi B. MacDonald
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101

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

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

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

Sincerely,



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 6th
day of July, 2000.

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

ORDER DISMISSING COMPLAINT

On June 6, 2000, the Commission issued its Notice and Order to Show Cause to Avoid Dismissal and directed each party to file a response not later than June 16, 2000. Southwestern Bell Telephone Company (SWBT) filed its response on June 16, 2000. The Complainant did not file a response to the Commission's June 6, 2000, order.

In its response, SWBT described its efforts to resolve this complaint in the Commission's mediation process. SWBT also described the procedural history of the case and referenced its motions to dismiss as previously filed. SWBT requested that the Commission dismiss this complaint and order the Complainant, Mr. Cupples, to pay his outstanding balance to SWBT.

A complaint may be dismissed by the Commission for failure to comply with a Commission order. 4 CSR 240-2.116(3). Mr. Cupples has

failed to comply with the Commission's June 6, 2000, order that directed him to respond by June 16, 2000. The Commission will dismiss the complaint.

In its response, SWBT detailed its position regarding the billing dispute and the status of Mr. Cupples' account. SWBT requests that the Commission order Mr. Cupples to pay his outstanding balance. The Commission has made no finding regarding the disputed billing amounts and declines to specifically order payment.

However, Mr. Cupples has effectively failed to prosecute his complaint failing to comply with a Commission order. Therefore, this dismissal will be with prejudice, and the account balance and amounts for the period presented in this complaint may not be brought before the Commission again. Thus, when this order becomes effective, SWBT will be free to pursue collection of these amounts in its normal course of business.

IT IS THEREFORE ORDERED:

1. That the Complaint filed by Mr. Tom Cupples on July 26, 1999, is dismissed with prejudice.
2. That this order shall be effective on July 18, 2000.

3. That this case shall be closed on July 19, 2000.

BY THE COMMISSION

A handwritten signature in dark ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Thornburg, Regulatory Law Judge

ALJ/Sec'y: Thornburg / Pope
6-26 TC-2000-56
Date Circulated CASE NO.

SL
Lumpe, Chair
all
Drainer, Vice Chair
or
Murray, Commissioner
AS
Schemenauer, Commissioner
KS
Simmons, Commissioner

7/6
Agenda Date

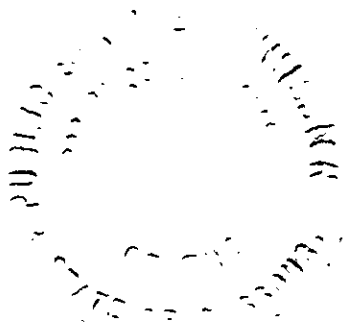
Action taken: 5-0 AS
Must Vote Not Later Than _____

**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 6th day of July 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge