

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 21, 1998**

CASE NO: TO-98-115

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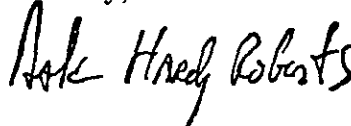
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Kansas City, MO 64108

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 DENYING MOTION FOR CONTINUANCE

On July 24, 1998 the Commission issued its Order Establishing Procedural Schedule for Setting Permanent Rates that required the parties to file responses to the July 24 report of the Commission's Arbitration Advisory Staff (AAS) no later than August 24. The July 24 order stated that the parties should file testimony and schedules supporting their responses no later than August 24, as well. In addition, the Commission ordered the parties to appear at a hearing on September 4 for the purpose of answering the Commission's questions concerning their positions. The parties are expected to bring witnesses to the hearing who are well-informed about the issues in dispute and who can answer the Commission's questions concerning these issues.

On August 18, AT&T Communications of the Southwest, Inc. (AT&T) filed a Motion for Continuance, requesting that the hearing be continued for at least thirty days and that the deadline for filing comments on the rates and costing models proposed by the AAS be extended commensurate with the delay of the hearing. AT&T stated that despite diligent efforts to eliminate conflicts, AT&T finds it impossible to arrange for key witnesses to appear for the hearing on September 4. AT&T further stated

that AT&T has contacted Southwestern Bell Telephone Company (SWBT) and that SWBT does not object to AT&T's request for continuance.

In its motion, AT&T did not provide exclusionary dates to the Commission, did not explain which of its witnesses are unable to appear, did not explain whether other witnesses could appear in their stead, and did not explain the nature of the scheduling conflicts.

The Commission has reviewed its calendar for available hearing dates and notes that there are few available dates remaining in September and October for rescheduling the hearing. The Commission cannot determine an appropriate date for resetting the hearing in the absence of exclusionary dates provided by the parties. In addition, the Commission notes that one member of its AAS will not be available to advise the Commission after September 4.

The Commission finds that AT&T has failed to demonstrate that a continuance is warranted under the circumstances. Because AT&T has failed to provide information demonstrating that its witnesses are key witnesses, that these witnesses have conflicts that preceded the date of the Commission's July 24 order which they cannot avoid, and that other witnesses cannot substitute for these witnesses, the Commission finds that AT&T's motion should be denied.

IT IS THEREFORE ORDERED:

1. That the Motion for Continuance filed by AT&T Communications of the Southwest, Inc. on August 18, 1998 is denied.

2. That the parties shall produce witnesses at the September 4, 1998 hearing who are well-informed and capable of answering questions about all of the issues in dispute.

3. That this order shall become effective on August 31, 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 21st day of August, 1998.

ALJ/Sec'y:

Handles/Doyce

8-20
Date Circulated

8-20 (if possible)
Return by 3 p.m.

8-21 (latest)

TO-98-115
CASE NO.

[Signature]
Lumpe, Chair

[Signature]
Crumpton, Commissioner

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
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 21st day of August, 1998.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge