

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

CASE NO: TO-99-227

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

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Southwestern)
Bell Telephone Company to Provide Notice of)
Intent to File an Application for Authorization) Case No. TO-99-227
to Provide In-region InterLATA Services)
Originating in Missouri Pursuant to Section 271)
of the Telecommunications Act of 1996.)

ORDER REGARDING HEARING PROCEDURE

On February 8 and 9, 1999, the parties met in a prehearing conference and discussed proposals for the hearing procedure. Those proposals were filed by the Commission Staff on February 10, 1999 for the Commission's consideration.

With the exception of the State of Missouri and the Office of the Public Counsel (Public Counsel), each of the parties who participated in the prehearing conference agreed that the examination of witnesses should be conducted at least in part, in a panel format and that time for the cross-examination of witnesses should be limited. The parties all agree that the order of the witnesses should be related to the issues about which they will be testifying. Public Counsel and the State of Missouri object to limiting the amount of time for cross-examination but did not object to the panel format.

The Staff and Southwestern Bell Telephone Company (SWBT) agree that Proposal A should be followed. Proposal A suggests that the Commission allow cross-examination of each individual witness in the morning hours and then have the witnesses sit in a panel in the

afternoon to answer questions that the Commissioners have. The remaining parties support using Proposal B which is a straight panel format.

The Commission has carefully considered each of these proposals and has determined that neither of the proposals will allow for an orderly and concise hearing. Because of the vast number of parties participating in the hearing, the Commission determines that the most orderly way to conduct this hearing and allow for sufficient information to be gathered to make its recommendation, will be to call the witnesses individually as if in a contested case. However, the Commission does believe there will be great benefit in calling witnesses related to a specific issue in close proximity to each other and therefore the Commission will set the order of witnesses substantially similar to that set out in Proposal B. This may require some witnesses to be called to the stand for more than one issue.

The Commission finds that limiting the cross-examination of witnesses to a strict amount of time may stifle the ability of the Commission to develop a complete and accurate record and hinder its ability to make its recommendation to the Federal Communications Commission. Therefore, the Commission will not set strict time limits on cross-examination by the parties. The Commission will also allow for cross-examination by each of the participating parties. The Commission urges each of the parties to be concise in their questioning, stick to issues, and avoid repetition.

The order of witnesses and issues will generally follow the format set out in Proposal B. However, since the Commission will not

be strictly controlling the time on questioning, the parties should be prepared to have their witnesses available when needed and should not rely on the specific times set out in Proposal B.

IT IS THEREFORE ORDERED:

1. That the examination of witnesses at the hearing will be on an individual basis according to the issue to which their testimony relates.
2. That the order of witnesses and issues will generally follow the order set out in Proposal B which is attached.
3. That each party will have the opportunity to cross-examine witnesses.
4. That this order shall become effective on March 1, 1999.

BY THE COMMISSION



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

(S E A L)

Nancy Dippell, Senior 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 February, 1999.

PROPOSAL B

PROPOSED SCHEDULE OF WITNESSES

<u>DATE</u>	<u>ACTIVITY/TIME ALLOTMENT*</u>	<u>WITNESS(ES)</u>
3/1 A.M.	Opening Statements	
3/1 P.M.	272 Panel (45 minutes)	Rehmer (SWBT) Larkin (SWBT) Lube (SWBT) Crombie (AT&T) Morgan (AT&T) Meisenheimer (OPC) Winter (Staff)
	Track A Panel (30 minutes)	Tebeau (SWBT) Bailey (SWBT) Turner (AT&T) Meisenheimer (OPC)
3/2	Poles, Ducts & Conduit Panel (30 minutes)	Hearst (SWBT) Meisenheimer (OPC)
	Public Interest Panel (3 hours)	Bailey (SWBT) Schmalensee/Brandon (SWBT) Kahn/Tardiff (SWBT) Raimondi (SWBT) Gordon (SWBT) Morgan (AT&T) Mayo (AT&T) Gillan (AT&T) Kohly (AT&T) Meisenheimer (OPC) Stahly (Sprint) Frigon (Sprint) Cooper (OPC) Ensrud (ShowMe)
3/3	Public Interest Panel (cont.)	
	White Pages Panel (30 minutes)	Weckel (SWBT) Dysart (SWBT) Tidwell (Birch) Dalton (AT&T) Meisenheimer (OPC)
	Resale Panel (30 minutes)	Bailey (SWBT) Auinbauh (SWBT) Moore (SWBT) Tidwell (Birch) Strow (ICLX) Flappan (AT&T) Meisenheimer (OPC)

* Amount of time shown is cross examination time for each side, i.e., proponents and opponents are allotted equal time. These time limitations are not applicable to Staff. Staff cross examination shall be limited to 15 minutes on all issues except 30 minutes each will be allowed for public interest and OSS issues.

PROPOSAL B

<u>DATE</u>	<u>ACTIVITY/TIME ALLOTMENT*</u>	<u>WITNESS(ES)</u>
3/4	Reciprocal Compensation Panel (30 minutes)	Bailey (SWBT) Auinbauh (SWBT) Flappan (AT&T) Meisenheimer (OPC) Strow (ICIX)
	Licensing Panel (15 minutes)	Auinbauh (SWBT) Witcher (AT&T) Meisenheimer (OPC)
	OSS Panel (3 hours)	Ham (SWBT) Kramer (SWBT) Locus (SWBT) Dalton (AT&T) Tidwell (Birch) Wescott (Sprint) Champlin (MCI) Cooper (OPC) Meisenheimer (OPC)
3/5	OSS Panel (cont.)	Thorsen (SWBT) (only available day)
3/8	Number Assignment, INP/LNP & Local Dialing Parity Panel (45 minutes)	Adair (SWBT) Fleming (SWBT) Deere (SWBT) Martinez (MCI) Meisenheimer (OPC)
	LOC/LSC Panel (45 minutes)	Kramer (SWBT) Brainard (SWBT) Antey (SWBT) Dalton (AT&T) Meisenheimer (OPC)
	911/E911, DA & OS Panel (1 hour)	Deere (SWBT) Weckel (SWBT) Schmersahl (AT&T) Shirar (McCleod) Dunaye (e-spire) Martinez (MCI) Meisenheimer (OPC)

PROPOSAL B

3/9 -	Interconnection/Collocation/UNE Panel (3 hours)	Deere (SWBT) Auinbaur (SWBT) Moore (SWBT) Scott (Birch) Gaul (Brooks) Falcone (AT&T) Flappan (AT&T) Barnes (AT&T) Wescott (Sprint) Strow (ICIX) Kuafman (e-spire) Cooper (OPC) Meisenheimer (OPC)
<u>DATE</u>	<u>ACTIVITY/TIME ALLOTMENT*</u>	<u>WITNESS(ES)</u>
3/10	Interconnection/Collocation/UNE Panel (cont.)	
	Database & Signaling Panel (30 minutes)	Deere (SWBT) Meisenheimer (OPC)
3/11	Performance Criteria (2 hours)	Dysart (SWBT) Minter (AT&T) Smith (Sprint) Voight (Staff) Cooper (OPC) Meisenheimer (OPC)

ALJ/Sec'y: Duprell / Pope
2-17 2-17
Date Circulated Return by 3 p.m.

10-99-227
CASE NO.

Sal pz
Lumpe, Chair
asset
Crumpton, Commissioner
cm
Murray, Commissioner
RC
Schemenauer, Commissioner
mead
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 17TH day of FEBRUARY, 1999.



Dale Hardy Roberts

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