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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

Kelly Consultants,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. TC-97-534</u>
	)	
GTE Midwest Incorporated,	)	
	)	
Respondent.	)	
	)	

**ORDER SETTING EARLY PREHEARING CONFERENCE**

Kelly Consultants d/b/a Panther Creek Information Services (Complainant) filed a complaint with the Commission against GTE Midwest Incorporated (GTE) on June 13, 1997, alleging poor quality service, frequent loss of service, and economic damages as a result of GTE's conduct. GTE filed its Answer to Complaint on July 18 denying the substantive allegations of the complaint and pointing out that the Commission does not have jurisdiction to award pecuniary relief for Complainant's economic damages. On July 29, the Commission issued an order dismissing Complainant's request for damages and directing the Commission Staff to investigate this complaint to determine whether GTE violated any service quality standards, Missouri statute, Commission order or rule, or tariff provision.

Staff filed its Memorandum containing the results of its investigation on October 29. Staff stated Complainant suffered substantial customer loss, substantial equipment damage, and was finally forced to move as a result of GTE's actions. Staff concluded that GTE violated Commission

rules 4 CSR 240-18, 4 CSR 240-32.070(2) and 4 CSR 240-32.080(2), but did not violate any statutes or tariff provisions.

GTE responded to Staff's Memorandum on December 1. GTE contended that Staff's investigation was arbitrary, incomplete and misrepresented the facts. GTE denied that the service it provided to Complainant was in any way responsible for either Complainant's customer losses or equipment damage. GTE further denied that its provision of service, or lack thereof, motivated Complainant's move from Fordland to Springfield. GTE agreed with Staff that it did not violate any statute or tariff provision, but disagreed with Staff's conclusion that GTE violated 4 CSR 240-18, 4 CSR 240-32.070(2), and 4 CSR 240-32.080(2).

The Commission finds that a hearing is necessary to resolve the factual issues in this matter and to determine whether GTE violated any Commission rules. The Commission will schedule an early prehearing conference and set a date for the parties to offer a procedural schedule.

**IT IS THEREFORE ORDERED:**

1. That the parties shall meet in an early prehearing conference on Monday, February 3, 1998, at 9:00 a.m. at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

2. That anyone with special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing or hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That the parties shall file a proposed procedural schedule no later than February 10, 1998.

4. That this order shall become effective on January 16, 1998.

**BY THE COMMISSION**

A handwritten signature in dark ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

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

(S E A L)

Kevin F. Hennessey, 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 16th day of January, 1998.

**RECEIVED**

**JAN 16 1998**

**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**