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

The Staff of the Missouri Public	)	
Service Commission,	)	
	)	
	)	Complainant,
	)	
v.	)	<u>Case No. TC-98-119</u>
	)	
Local Fone Service, Inc.,	)	
	)	
	)	Respondent.
	)	

**ORDER ADOPTING PROCEDURAL SCHEDULE**

The Commission directed the parties to meet in a prehearing conference and to submit a proposed procedural schedule no later than January 5, 1998. The Staff of the Commission (Staff) filed a Motion to Establish Procedural Schedule on January 5 setting out a proposed schedule and stating that all parties had agreed to it.

The Commission has considered the motion and will adopt the procedural schedule submitted by Staff. In addition, the Commission finds that the following conditions shall be applied to the schedule.

A. The Commission will require the prefiling of testimony in compliance with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays in the proceedings caused by allegations of unfair surprise at the hearing.

B. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers information to be proprietary or highly confidential should indicate the material's proper classification at the time of filing. Any testimony or schedule filed without a protective order first being established, or its classification clearly indicated, shall be considered public information.

C. The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing, definitions of terms used in describing those issues, and each party's position on those issues. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. The briefs to be submitted by the parties shall follow the same format established in the hearing memorandum. Initial briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

The Commission Staff will be responsible for preparing and filing the hearing memorandum. The Commission wishes to emphasize the importance of the deadline for filing the hearing memorandum. Unless the Commission orders otherwise, the hearing memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue at least two business days before the due date. If a party fails to provide its position by that date, the Staff is not obligated to include that party's position in the Hearing Memorandum.

D. Any party wishing to offer a prefiled exhibit into evidence must bring to the hearing three copies of the exhibit for the court reporter. If the exhibit has not been prefiled, the proponent must also bring six copies for the Commissioners and the regulatory law judge, and copies for opposing counsel.

E. The Commission's general policy provides for the filing of the transcript within two weeks after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the regulatory law judge at least five days before the hearing.

F. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is adopted for this proceeding, subject to the conditions discussed above:

Staff's direct testimony	-	March 6, 1998, 3:00 p.m.
Rebuttal testimony	-	March 27, 1998, 3:00 p.m.
All parties' Surrebuttal testimony	-	April 10, 1998, 3:00 p.m.
Hearing Memorandum	-	April 20, 1998
Evidentiary hearing	-	April 27, 1998, 10:00 a.m.

2. The evidentiary hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has 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 conference or hearing at:  
Consumer Services Hotline -- 1-800-392-4211 or TDD Hotline -- 1-800-829-7541.

3. That this order shall become effective on January 12, 1998.

**BY THE COMMISSION**



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

(S E A L)

L. Anne Wickliffe, 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 12th day of January, 1998.

**RECEIVED**

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION