

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 10, 2000**

CASE NO: TO-99-593

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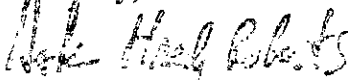
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

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 10th
day of October, 2000.

In the Matter of the Investigation)
into Signaling Protocols, Call)
Records, Trunking Arrangements,)
and Traffic Measurement)

Case No. TO-99-593

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On August 12, 1999, the Commission issued an order in which it required the parties to file a proposed procedural schedule no later than October 21, 1999. On October 15, 1999, the Commission's Staff, on behalf of all the parties, filed a pleading in which it requested that the Commission extend the deadline for filing a proposed procedural schedule to March 23, 2000. The Commission granted this request.

On March 23, 2000, Staff filed another request for an extension of time. Staff requested that the procedural schedule be due September 22, 2000. Staff stated:

To the best of the Staff's knowledge, all other parties to this case agree with Staff's request that the deadline for filing the procedural schedule should be extended by six months.

Because Staff was unable to state definitively that all parties agreed with its request, the Commission allowed the other parties ten days to respond to Staff's motion, pursuant to 4 CSR 240-2.080(12). No party responded, and the Commission granted the extension.

On September 13, 2000, the Missouri Independent Telephone Group (MITG) filed the following proposed procedural schedule (the first proposed schedule):

Direct testimony	December 1, 2000
Rebuttal testimony	December 20, 2000
Surrebuttal testimony	January 12, 2001
Evidentiary hearing	January 24-26, 2001

On September 22, 2000, the Staff of the Commission, Southwestern Bell Telephone Company (SWBT), and Sprint Missouri, Inc. (Sprint; collectively, the second proponents) filed the following proposed procedural schedule (the second proposed schedule):

Report on current industry test	November 3, 2000
Report on proposed industry test	December 8, 2000
Direct testimony	January 17, 2001
Rebuttal testimony	February 7, 2001
Surrebuttal testimony	February 28, 2001
Evidentiary hearing	March 12-14, 2001

The second proponents state that the first procedural schedule is unworkable because there was a two-week delay in processing the results of a call records test, and because they believe it necessary to conduct a second test.

On September 21, 2000, the Small Telephone Company Group (STCG) filed a pleading stating its concurrence in the first proposed schedule, and on September 22, 2000, GTE Midwest Incorporated d/b/a Verizon Midwest filed a pleading stating its concurrence in the second proposed schedule.

On September 26, 2000, the MITG filed a response opposing the second proposed schedule. MITG states that it has already taken too long to get to this point in the proceeding. MITG asserts that there is a discrepancy between the amount of traffic terminated to customers of its member companies and the compensation the companies receive. Any further delay,

it states, will cost its members more in ongoing losses. On September 29, 2000, the STCG filed a response opposing the second proposed schedule. Like the MITG, the STCG states that this case has been delayed long enough¹, and like the MITG, asserts that any further delay will continue the losses its members are incurring.

The parties have already requested and received two lengthy extensions of the deadline for submitting the procedural schedule. The Commission finds the second proponents' reasons for establishing a more protracted procedural schedule to be unconvincing. A two-week delay in the testing procedure should not translate into a month and a half delay in the procedural schedule. And if SWBT and Sprint wish to conduct more tests, they may certainly do so, but the Commission will not further delay this proceeding. If the results of any additional tests warrant it, the Commission's rules (4 CSR 240-2.130(8)) provide a mechanism for a party to request to supplement its testimony. The Commission will adopt the first procedural schedule with minor modifications, and will apply the following conditions:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed 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 caused by allegations of unfair surprise at the hearing.

¹ The STCG and the MITG either joined in, or did not oppose when given the opportunity to do so, the motions to extend the date for filing a proposed procedural schedule.

(B) Pursuant to 4 CSR 240-2.130(15), testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not contain argument about why the party believes its position to be the correct one.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the regulatory law judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(G) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary

for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established for this case:

Direct testimony	November 30, 2000 3:00 P.M.
Rebuttal testimony	December 20, 2000 3:00 P.M.
Prehearing conference	January 4, 2001 10:00 A.M.
Surrebuttal testimony	January 11, 2001 3:00 P.M.
List of issues, order of witnesses, and order of cross-examination	January 17, 2001
Statements of position	January 19, 2001
Evidentiary hearing	January 24-26, 2001 8:30 A.M.

The prehearing conference and hearing will be held on the ground floor of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing and prehearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in the hearing or prehearing conference, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing or prehearing conference.

2. That this order shall become effective on October 20, 2000.

BY THE COMMISSION

A handwritten signature in black 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., Schemenauer, and Simmons, CC., concur
Murray, C., dissents
Drainer, C. absent

Mills, Deputy Chief Regulatory Law Judge

ALJ/Sec'y: Mills/Boyce

10-5 TD-99-593
Date Circulated CASE NO.

SL
Lumpe, Chair

absent
Drainer, Vice Chair

cm NO
Murray, Commissioner

RS
Schemenauer, Commissioner

KS
Simmons, Commissioner

10-10
Agenda Date

Action taken: 3-1 AS

Must Vote Not Later Than _____

FYI: To Be Issued By Delegation

ALJ/Sec'y: Mills/Boyce

10-3
Date Circulated

10-6
Return by 3 p.m.
10PM

TD-99-593
CASE NO.

SL
Lumpe, Chair

Drainer, Vice Chair
cm NO

Murray, Commissioner
RS

Schemenauer, Commissioner

Simmons, Commissioner

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 10th day of Oct. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

