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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 21st
day of July, 1992.

In the matter of Choctaw Telephone Company to file)
tariffs to provide community optional service and)
recover actual net revenue loss associated with) CASE NO. TR-91-86
provision of service to customers in the Company's)
Missouri service area.)

ORDER DENYING MOTION TO JOIN

On June 29, 1992, the Office of the Public Counsel (OPC) filed a motion requesting that the Commission join Southwestern Bell Telephone Company (SWBT) as a party to this case. OPC stated that its motion was filed for the sole purpose of ensuring that the Commission has the necessary jurisdiction to authorize OPC to review SWBT's records relating to Choctaw Telephone Company's (Choctaw) COS revenues and access. OPC also stated that it has been unable to obtain the pertinent information from Choctaw.

On July 9, 1992, SWBT filed a response to OPC's motion. SWBT stated that it had sought and was denied intervention in this case when it was initially opened due to the Commission's opinion that SWBT does not have an interest different from that of the general public. SWBT argued that OPC has other avenues with which to address its discovery needs short of forcing SWBT to become a party, including motions to compel and on-site auditing. SWBT also pointed out that OPC can seek issuance of subpoenas to obtain discovery of nonparties, and stated that it would be willing to waive the requirement of a subpoena, but only after OPC had exhausted all efforts to enforce discovery of Choctaw.

Upon review of OPC's motion and SWBT's response, the Commission is of the opinion that it is not necessary to join SWBT as a party. The Commission is also of the opinion that to force SWBT to become a party at this late stage after previously denying it intervention would not only be inconsistent, but also

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would unduly burden SWBT. The Commission finds that OPC has several options open to it short of placing SWBT under the burden of becoming a party. Thus, the Commission determines that OPC's motion to join SWBT as a party should be denied.

IT IS THEREFORE ORDERED:

1. That the motion of the Office of the Public Counsel to join Southwestern Bell Telephone Company as a party is hereby denied.
2. That this Order shall become effective on the date hereof.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Perkins
and Kincheloe, CC., Concur.
Rauch, C., Absent.