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PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

7-1-RdOBender

City of Grain Valley, Missouri, )  
a municipal corporation, )  
 )  
Complainant, )  
 )  
vs. ) CASE NO. TC-87-1 (Remand)  
 )  
Southwestern Bell Telephone Company, )  
 )  
Respondent. )

APPEARANCES: Patrick K. McMonigle and Frank W. Taylor, Jr., Attorneys at Law,  
Dysart, Taylor, Penner, Lay & Lewandowski, 4420 Madison Avenue,  
Kansas City, Missouri 64111 for the City of Grain Valley, Missouri

James T. Cook, City Attorney, City of Grain Valley, Missouri,  
111 West Front Street, Grain Valley, Missouri 64029, for the  
City of Grain Valley, Missouri.

Katherine C. Swaller, Attorney at Law, 100 North Tucker, Suite 630,  
St. Louis Missouri 63101-1976 for Southwestern Bell Telephone  
Company.

Janet Sievert, Assistant Public Counsel, Office of the Public Counsel,  
P. O. Box 7800, Jefferson City, Missouri 65102, for the Office of  
the Public Counsel and the Public

William K. Haas, Assistant General Counsel, Missouri Public Service  
Commission, P. O. Box 360, Jefferson City, Missouri 65102, for  
the Staff of the Missouri Public Service Commission,

Hearing  
Examiner: Linda C. James

REPORT AND ORDER ON REMAND

On July 3, 1986, the City of Grain Valley, Missouri (Grain Valley or Complainant) filed with the Missouri Public Service Commission a complaint under Chapter 392, RSMo, as amended. The complaint alleged that the Respondent, Southwestern Bell Telephone Company (SWB) has, since 1956, been unlawfully discriminating in its rates charged for telephone services with respect to the Grain

Valley exchange in violation of the common law and Chapter 392, RSMo. Grain Valley sought a finding of unlawful discrimination and a reclassification to be the same as Blue Springs, Missouri, within the Kansas City wide service area plan (WASP) in the Kansas City metropolitan area.

On September 16, 1987, the Commission issued a Report and Order dismissing the complaint, after a hearing.

On August 3, 1988, Grain Valley sought and obtained an appeal by Petition of Writ of Review. The Commission's Report and Order was affirmed by the Circuit Court of Jackson County, Missouri.

On July 11, 1989, after an appeal by Grain Valley, the Western District Court of Appeals reversed and remanded the case to the Circuit Court. *State of Missouri ex rel. City of Grain Valley, Missouri*, 778 S.W.2d 287 (Mo. App. 1989). Directions to the Circuit Court were to remand the case to the Commission for further proceedings.

On March 14, 1990, the Commission set the case for a prehearing conference. On May 16, 1990, the Commission ordered a remand hearing for a comparison of conditions of service between Grain Valley and Blue Springs.

On October 2, 1990, the day of the hearing, the parties advised the Commission that a settlement had been reached. On November 6, 1990, the parties filed a Settlement Agreement.

#### Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

SWB is a public telephone utility which provides telephone service to customers in the State of Missouri. This service includes that area denominated as the Grain Valley exchange. The Grain Valley exchange is currently designated by SWB

as a fourth tier exchange within the WASP for the Kansas City metropolitan area. The Settlement Agreement recommends that the Commission approve a reclassification of the Grain Valley exchange from a fourth tier to a third tier exchange within the WASP of the Kansas City metropolitan area and that SWB file revised tariffs accordingly.

The Commission has carefully considered the Settlement Agreement filed by the parties and finds that the agreement represents a reasonable disposition of the matter at issue. Therefore, the Commission has determined that the Settlement Agreement should be adopted to resolve the matter at issue.

#### Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law:

The Commission has jurisdiction over the Complainant pursuant to Chapters 386 and 392, RSMo 1986, as amended. Pursuant to Section 536.060, RSMo 1986, the Commission may accept an agreed settlement of a contested case when such agreements are reasonable and proper by law.

The Commission has concluded that the reclassification of the Grain Valley exchange from a fourth tier exchange to a third tier exchange within the Kansas City Metropolitan WASP is just and reasonable and should be adopted. Also, the Commission concludes that SWB shall file tariffs consistent with this Report and Order.

#### IT IS THEREFORE ORDERED:

1. That the Commission hereby adopt the Settlement Agreement Southwestern Bell Telephone Company and the City of Grain Valley, Missouri, filed on November 6, 1990.

2. That Southwestern Bell Telephone Company shall file tariffs consistent with this Report and Order within sixty (60) days of the effective date of this Report and Order.

3. That this Report and Order shall become effective on the date hereof.

BY THE COMMISSION

*Brent Stewart* DR  
Brent Stewart  
Interim Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,  
McClure and Letsch-Roderique, CC.,  
Concur.

Dated at Jefferson City, Missouri,  
on this 21st day of November, 1990.