STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 25th day of September, 1991.

In the matter of Choctaw Telephone Company's tariffs to increase rates in Missouri.	)))	Case No. TR-91-336

ORDER GRANTING MOTION TO WITHDRAW

This case commenced on April 25, 1991, when Choctaw Telephone Company (Choctaw) submitted to this Commission tariffs reflecting increased rates for telephone service provided to customers in the Missouri service area of the company. The proposed tariffs bore a requested effective date of June 9, 1991, and were designed to produce an increase of approximately 57.5% ($106,914.58) in charges for telephone services. Pursuant to the procedural schedule established by Commission order, testimony has been filed in this matter. Additionally, a prehearing conference commenced on August 6, 1991. At the hearing held August 21, 1991, the parties submitted to the Commission a Stipulation and Agreement and proposed settlement of all issues.

Due to the discovery of continued problems of recordkeeping and alleged commingling of funds, the Staff of the Missouri Public Service Commission (Staff) requested to withdraw from the Stipulation and Agreement. The Commission, expressing its own concerns about the Stipulation, issued an order on August 30, 1991, rejecting the Stipulation and Agreement and establishing a procedural schedule for further proceedings in this case.

On September 24, 1991, Choctaw filed an application for leave and motion to dismiss. In support of its application, Choctaw states that Public Counsel recently filed a motion to dismiss on the basis that Choctaw's corporate

charter is no longer in good standing with the Secretary of State. Choctaw, however, states that it is in the process of obtaining a rescission of the forfeiture but cannot assure the Commission that the rescission will be accomplished before the October 2, 1991 hearing date. Choctaw further states that since Staff filed its motion to withdraw from the Stipulation and Agreement and the Commission's subsequent rejection of the Stipulation and Agreement, Choctaw has concerns about the realistic or practical chances of obtaining a favorable result in this case. Furthermore, Choctaw indicates that Staff has recently stated its intention to do a subsequent investigation regardless of the outcome of this case. Choctaw, therefore, requests the Commission issue an order to dismiss this case.

On September 24, 1991, Staff filed response to Choctaw's motion. Staff indicates that it did not request that Choctaw withdraw its tariff but that the withdrawal was consistent with Staff's position in the case.

The Commission has reviewed Choctaw's application to withdraw and pursuant to Commission rule 4 CSR 240-2.110(7) will grant the motion. The Commission understands that the Staff will continue its investigation into Choctaw Telephone Company and anticipates that the problems which have come to light concerning Choctaw's recordkeeping, alleged commingling of funds and service problems will be resolved. As the Commission is granting Choctaw's motion to withdraw, all other pending motions in this proceeding are moot.

IT IS THEREFORE ORDERED:

1. That Choctaw Telephone Company be hereby granted permission to withdraw its tariffs and this case be hereby dismissed.

2. That the procedural schedule previously established in this case be hereby suspended.

3. That this order shall become effective on October 8, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

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