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

Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	
vs.	)	<u>Case No. TC-98-337</u>
	)	
Long Distance Services, Inc.,	)	
	)	
Respondent.	)	

**ORDER ADOPTING PROCEDURAL SCHEDULE**

On April 21, 1998, the Staff of the Missouri Public Service Commission (Staff) filed a Motion to Establish Procedural Schedule. Staff explains that settlement of this complaint does not appear possible at this time, and thus Staff has filed a proposed procedural schedule. Staff states that all parties are amenable to the proposed schedule. The Missouri Public Service Commission (Commission) finds that the proposed procedural schedule is acceptable, and will adopt the schedule as proposed. The Commission further finds that the following conditions should be applied to the schedule.

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. 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. The Commission expects the parties to comply with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

(B) The Commission will schedule a prehearing conference in this case to allow the parties the opportunity to resolve procedural and substantive issues.

(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, with an appendix containing definitions of essential terms, each party's position on the disputed issues, and the order of cross-examination. 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. Staff will be responsible for preparing and filing the hearing memorandum.

(D) The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the date set. Each party is required to provide Staff with its position on each unresolved issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present their signature element (a signed page) or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant as to the party whose signature is missing, and any party who fails or refuses to sign the final copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

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

of hearing. The regulatory law judge will determine whether the request should be granted.

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

(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 opposing counsel.

**IT IS THEREFORE ORDERED:**

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

Direct Testimony (Staff)	-	June 2, 1998 3:00 p.m.
Rebuttal Testimony (Company, OPC, and Intervenors)	-	July 20, 1998 3:00 p.m.
Surrebuttal and Cross- surrebuttal Testimony (all parties)	-	August 17, 1998 3:00 p.m.
Prehearing Conference	-	August 31, 1998 10:00 a.m.
Hearing Memorandum	-	September 14, 1998
Evidentiary Hearing	-	September 22-23, 1998 9:00 a.m.

2. That the prehearing conference and evidentiary hearing will be held in the Commission's hearing room on the fifth 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 days before the hearing at: Consumer Services Hotline -- 1-800-392-4211 or TDD Hotline -- 1-800-829-7541.

3. That this order shall become effective on May 27, 1998.

**BY THE COMMISSION**



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

(S E A L)

Elaine E. Bensavage, 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 14th day of May, 1998.

**RECEIVED**  
MAY 15 1998  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION