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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Investigation by the Staff        )  
of the Missouri Public Service Commission into        ) Case No. TO-98-216  
the Overearnings of Northeast Missouri Rural        )  
Telephone Company.                                        )

**ORDER ADOPTING PROCEDURAL SCHEDULE**

The Staff of the Missouri Public Service Commission (Staff) filed a motion on November 21, 1997, with the Commission in which it requested the Commission to open a docket to consider the Stipulation and Agreement (Agreement) reached between Staff, the Office of the Public Counsel (OPC), Northeast Missouri Rural Telephone Company (NMRTC) and AT&T Communications of the Southwest, Inc. (AT&T), that was filed with Staff's motion.

SWBT filed an application to intervene and request for hearing on December 2. SWBT stated that it opposes the proposed Agreement because of the proposed rate design under which NMRTC seeks to reduce its level of earnings. SWBT requested a hearing on all rate design issues associated with the proposed rate design changes.

On December 16, the Commission granted Staff's motion and established this case to address Staff's overearnings investigation of NMRTC and all issues associated with that investigation. In its December 16 order the Commission also granted SWBT's request to intervene, set a deadline for other parties to intervene, granted SWBT's request for a hearing and set dates for an early prehearing conference and for the filing of proposed procedural schedules. Subsequently, AT&T applied for intervention, which was granted at the early prehearing conference held on

January 5, 1998. SWBT is the only party opposed to the Agreement. The hearing is currently set for April 20, April 21 and April 22.

On January 9, the Staff filed a Motion to Establish Procedural Schedule, indicating that all parties agreed to its proposed schedule. The Commission will adopt the proposed procedural schedule as set out in the ordered paragraphs below. In addition, the Commission finds that the following conditions shall 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 in the proceedings 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. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers the information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered information open to the public.

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, definitions of terms used in describing those issues, and each party's position on those issues. The Commission Staff will be responsible for preparing and filing the hearing memorandum. The Commission wishes to emphasize the importance of the deadline for filing the hearing memorandum.

Unless the Commission orders otherwise, the hearing memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue at least two business days prior to the due date. If a party fails to provide its position by that date, the Staff is not obligated to include that party's position in the Hearing Memorandum. 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. 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.

D. The Commission's general policy provides for the filing of the transcript within ten working days after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the administrative law judge at least five days before the hearing.

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

**IT IS THEREFORE ORDERED:**

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

Direct testimony to be filed by	-	February 17, 1998
NMRTC, AT&T, Staff and OPC		3:00 p.m.

Rebuttal testimony to be filed by	-	March 16, 1998
SWBT		3:00 p.m.

Surrebuttal to be filed by all  
parties

- April 6, 1998  
3:00 p.m.

Hearing Memorandum

- April 13, 1998

2. That this order shall become effective on January 21, 1998.

**BY THE COMMISSION**



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

(S E A L)

Amy E. Randles, 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 21st day of January, 1998.

**RECEIVED**

**JAN 21 1998**

**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**