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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 11th
day of February, 1998.

In the Matter of the Investigation into the) Case No. TW-98-155
Provision of Internet Access in Missouri.)
)

**ORDER GRANTING PARTICIPATION, GRANTING PERMISSION
TO WITHDRAW, VACATING PROCEDURAL SCHEDULE
AND SETTING LOCAL PUBLIC HEARINGS**

On November 12, 1997, the Commission established this case for the purpose of investigating Internet access in Missouri. The Order directed anyone interested in participating to file a "Notice of Participation" no later than December 12. On December 12, Bob Hellrung and Cheryl Leeds attempted to jointly file a notice of participation through a facsimile transmission pursuant to 4 CSR 240-2.080(3). The original notice of participation was received by the Commission on December 15. As the notice was not signed, it did not comply with the requirements of 4 CSR 240-2.080(8) and was rejected. On January 9, the Commission received a signed Notice of Participation from Bob Hellrung and Cheryl Leeds which also requested permission to file out-of-time. The Commission concludes it is in the public interest to include as wide a variety of participants as possible and will grant permission to file out-of-time. Further, the Commission has reviewed the application for participation and finds it is in substantial compliance with Commission rules regarding participation. Therefore, the Commission will grant the joint request for participation of Bob Hellrung and Cheryl Leeds.

The Commission reminds the participants that they are expected to comply with the pleading and practice requirements set forth in 4 CSR 240-2.010, *et seq.* Copies of 4 CSR 240, Chapter 2, Practice and Procedure, are available from the Commission's Records Department upon request. All filings and documents in this case shall be served on every other participant simultaneously with their filing with the Commission.

On January 15, the Commission received a letter from Tim Frederickson.¹ Mr. Frederickson stated his request for participation in this case was motivated by a misunderstanding and requested permission to withdraw from participation. The Commission will grant Mr. Frederickson's request for withdrawal.

A majority of the participants attended a prehearing conference on January 6. Following that conference, a motion to vacate the procedural schedule established in the Commission's November 12, 1997, Order Establishing Docket was filed on January 9 by the Staff of the Missouri Public Service Commission (Staff). Additionally, a joint Recommendation for Public Hearings and Procedural Schedule (Recommendation) which also urged vacation of the procedural schedule was filed on January 9 by the following parties: Staff, the Office of the Public Counsel, ALLTEL Missouri, Inc., AT&T Communications of the Southwest, Inc., Bourbeuse Telephone Company, Brooks Fiber Communications of Missouri, Inc., City of Springfield, Missouri, Board of Public Utilities, COMPTel-MO, Fidelity Telephone Company, GTE Midwest Incorporated, MCI Telecommunications Corporation, The Mid-Missouri Group of Local Exchange Telephone Companies, The Small Telephone Company Group, Southwestern Bell Telephone Company,

¹ Mr. Frederickson was granted participation in the Commission's Order Granting Participation, Establishing Protective Order and Giving Notice of Appearances *Pro Hac Vice* issued on January 9.

Sprint Communications Company L.P., and TCG St. Louis. On January 23, the Commission suspended the procedural schedule.

The Commission finds that the procedural schedule outlined in the Order Establishing Docket is not adequate to allow the participants to fully address the myriad issues in the broad question of Internet access. The Commission will vacate the procedural schedule previously laid out in the Order Establishing Docket. However, the Commission declines to adopt the procedural schedule suggested in the Recommendation, as it too is inadequate.

The Commission agrees with the parties that the filing of testimony at this point is premature. However, in order to have meaningful discussion at the local public hearings, each participant in this case should file a position paper with the Commission no later than March 3, 1998. At the absolute minimum, the telecommunications service providers participating in this case should address what Internet access services are currently provided and in which exchanges. Each position paper should clearly state the rate of the current services charged to the consumer and identify potential methods of improving Internet access services and ensure affordability.

The individual participants and business participants other than telecommunications companies should identify the exchange or exchanges in which they are accessing the Internet, what services they are currently using for Internet access, their amount of Internet use, and the amount they are currently paying for Internet access. Further, these participants should describe the system of Internet access they would like to use in the future.

The Commission finds that local public hearings will be necessary to the proper conduct of this investigation. The following schedule will be adopted:

St. Joseph: March 12, 1998 - 6:30-8:30 p.m.

City Hall
City Council Chambers
11th & Frederick
St. Joseph, Missouri

Columbia: March 13, 1998 - 11:30 a.m.-1:30 p.m.

City Council Chambers
701 East Broadway
4th Floor
Columbia, Missouri

Kirksville: March 19, 1998 - 6:30-8:30 p.m.

Adair County Courthouse
Washington Street
Kirksville, Missouri

Poplar Bluff: March 23, 1998 - 6:30-8:30 p.m.

Chamber of Commerce
Community Room
1111 West Pine Street
Poplar Bluff, Missouri

Joplin: March 25, 1998 - 6:30-8:30 p.m.

City Council Chambers
Municipal Building
303 East Third Street
Joplin, Missouri

Following the completion of the local public hearings, the Commission will require the participants to submit a Joint Issues and Solutions Paper as suggested in the Recommendation. This joint paper will be filed four weeks after the filing of the transcript of the last of the public hearings. The need for any further filing of testimony or for hearing will be determined after the Commission has reviewed the Joint Issues and Solutions paper.

IT IS THEREFORE ORDERED:

1. That Bob Hellrung and Cheryl Leeds are granted permission to file their joint notice of participation out-of-time and are granted participation in this case in accordance with 4 CSR 240-2.075(5).

2. That Tim Frederickson is granted permission to withdraw from participation.

3. That the Motion to Vacate Procedural Schedule filed by the Staff of the Missouri Public Service Commission is granted to the extent that the existing procedural schedule is vacated and denied with regard to the adoption of the suggested procedural schedule.

4. That each of the participants shall file a position paper with the Commission no later than March 3, 1998.

5. That the following public hearings shall be held:

St. Joseph: March 12, 1998 - 6:30-8:30 p.m.

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City Council Chambers
11th & Frederick
St. Joseph, Missouri

Columbia: March 13, 1998 - 11:30 a.m.-1:30 p.m.

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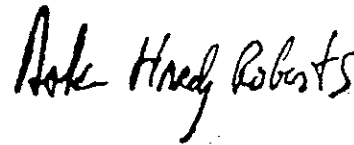
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Joplin: March 25, 1998 - 6:30-8:30 p.m.

City Council Chambers
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6. That this order shall be effective on February 11, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Hennessey, Regulatory Law Judge