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ORDER GRANTING INTERVENTION AND ADOPTING PROCEDURAL SCHEDULE

The Commission issued its Order Establishing Case and Bifurcating Case on November 25, 1997, in which it gave the parties to Case No. TO-96-1 who wished to retain their status as parties in this case an opportunity to file a notice of participation by December 5. The Commission also directed the parties to file their proposed procedural schedules by December 5.

The following parties filed timely notices of their intent to retain party status in this proceeding:

Ameritech Mobile Communications, Inc. (AMCI);

AT&T Communications of the Southwest, Inc. (AT&T);

GTE Midwest Incorporated (GTE);

MCI Telecommunications Corporation (MCI);

Midwest Independent Coin Payphone Association (MICPA);

The Mid-Missouri Group of Telephone Companies
(Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, MoKan Dial Inc., Northeast Missouri Rural Telephone Company, and Peace Valley Telephone Company) **(Mid-Missouri Group);**

Southwestern Bell Mobile Systems, Inc. (SWB Mobile);

Southwestern Bell Telephone Company (SWBT);

TCG St. Louis (TCG); and

**United Telephone Company of Missouri d/b/a Sprint
(Sprint-United).**

The Commission previously ruled that any parties to Case No. TO-96-1 would be granted permission to intervene in this case if they notified the Commission by December 5. The Commission has reviewed the pleadings filed in Case No. TO-96-1 and determined that all of the parties filing notices were parties to Case No. TO-96-1. Therefore, these parties shall be treated as parties to this case.

In addition, Orchard Farm Telephone Company (Orchard Farm) filed an Application to Intervene on December 3. Orchard Farm was not a party to Case No. TO-96-1. Orchard Farm stated that it provides primarily basic local telecommunications services to its customers and that it has a direct interest in this case because it is currently part of the 314 Numbering Plan Area (NPA) and any resolution of the 314 NPA exhaustion will be likely to have an impact on Orchard Farm and its customers. Orchard Farm stated that its intervention would be in the public interest because of its experience in providing telecommunications services to its customers. Orchard Farm also stated that no other party will adequately protect its interests in this matter.

The Commission has reviewed Orchard Farm's application and finds that it is in substantial compliance with Commission rules regarding intervention and that Orchard Farm has an interest in this matter which is different from that of the general public. The Commission concludes that Orchard Farm's request for intervention should be granted.

The Commission Staff ("Staff") filed a proposed procedural schedule on November 21 in Case No. TO-96-1, and the Commission's November 25 order treated Staff's Motion to Adopt procedural Schedule as

having been filed in this case. The Staff's proposed schedule included dates for the filing of simultaneous direct testimony, simultaneous rebuttal testimony, and a hearing memorandum. Staff also suggested that local public hearings could be held during the week of January 19, 1998. Finally, Staff stated that the Technical Committee established in Case No. TO-96-1 would not be able to submit a report on its audit of the number resources in the 314 NPA until January 9, 1998. Staff stated that permitting the Technical Committee to file its report prior to the filing of testimony was good cause for setting the hearing after January. Staff proposed hearing dates of February 9-11, 1998.

No other party to the case filed a proposed procedural schedule. GTE, MCI and SWBT concurred in the procedural schedule proposed by Staff. The Commission finds Staff's proposed schedule reasonable and that good cause exists for holding the hearing later than January. The Commission has also determined that the Report that Staff proposes to submit by January 9 should include the following information about each of the NXX's in the 314 NPA that have fewer than 40 percent of their numbers assigned and each of the NXX's in the 573 NPA that have fewer than 25 percent of their numbers assigned: 1) the companies to which numbers are assigned within the NXX, 2) the type of business (e.g., mobile pager, wireless, local exchange, etc.) engaged in by each such company, and 3) the number of numbers assigned to each such company. The report should include this information in a chart containing columns for the NXX, the company name, the company type and the number of numbers assigned to the company.

The Commission further finds that the parties should be given an opportunity to propose specific dates and locations for local public hearings. The Commission will then schedule local public hearings in a

separate order. At this time, the Commission adopts the procedural schedule proposed by Staff. 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 Orchard Farm Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That the following parties to Case No. TO-96-1 shall be treated as parties to this case:

Ameritech Mobile Communications, Inc. (AMCI);

AT&T Communications of the Southwest, Inc. (AT&T);

GTE Midwest Incorporated (GTE);

MCI Telecommunications Corporation (MCI);

Midwest Independent Coin Payphone Association (MICPA);

The Mid-Missouri Group of Telephone Companies (Mid-Missouri Group) (Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, MoKan Dial Inc., Northeast Missouri Rural Company, and Peace Valley Telephone Company);

Southwestern Bell Mobile Systems, Inc. (SWB Mobile);

Southwestern Bell Telephone Company (SWBT);

TCG St. Louis (TCG); and

United Telephone Company of Missouri d/b/a Sprint (Sprint-United).

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

Simultaneous Direct Testimony	-	January 16, 1998 3:00 p.m.
Simultaneous Rebuttal Testimony	-	January 30, 1998 3:00 p.m.
Hearing Memorandum	-	February 5, 1998
Evidentiary hearing	-	February 9-11, 1998 10:00 a.m.

4. That the report to be submitted by the Technical Committee of the Commission's Staff concerning its audit of the number resources in the 314 NPA shall include the information described in the body of this order.

5. That the evidentiary hearing will be held in the Commission's hearing room on the fifth floor 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 (10) days before the prehearing conference or hearing at: Consumer Services Hotline — 1-800-392-4211 or TDD Hotline — 1-800-829-7541.

6. That the parties shall file proposed dates and locations for local public hearings no later than December 29, 1997.

7. That this order shall become effective on December 18, 1997.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large, stylized "D" and "R".

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 18th day of December, 1997.