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

Macon County Enhanced 911,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. TC-98-217</u>
	)	
GTE Midwest Incorporated,	)	
	)	
Respondent.	)	

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

The Commission issued an order on March 2, 1998 that set an early prehearing conference for April 3 and directed the parties to file a proposed procedural schedule no later than April 10. The parties filed a joint proposed procedural schedule on April 10, suggesting that they should meet in Macon County on April 16 to establish diagnostic procedures for investigating the MCE 911 system. The parties also proposed to establish a 90 day period ending July 17 for diagnosing and correcting what they perceive to be errors in the MCE 911 system. The parties proposed dates for the filing of direct, rebuttal, and surrebuttal testimony, and dates for holding a prehearing conference, filing a hearing memorandum, and conducting an evidentiary hearing in the event they are unable to resolve all issues between them during the 90 day diagnostic period.

The Commission will adopt the proposed procedural schedule, with revisions to the rebuttal testimony, surrebuttal testimony and prehearing dates because of scheduling conflicts, as set out in the ordered paragraphs below. The Commission will order the parties to meet in Macon County to

establish diagnostic procedures if they have not done so, and will establish a deadline of July 17 for diagnosing and correcting perceived errors in the MCE 911 system. In addition, the Commission finds that the following conditions shall be applied to the procedural 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 Commission will schedule a prehearing conference to allow the parties the opportunity to resolve substantive issues as well as to consider those matters described in 4 CSR 240-2.090(6). The parties shall also use the prehearing conference to eliminate issues which can be resolved through updating of a party's case, clarification of misunderstandings, explanation of an issue's interrelationship with other issues, and correction of clerical or arithmetic errors.

D. 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.

E. 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.

F. 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 parties shall meet in Macon County to establish diagnostic procedures for investigating the Macon County Enhanced 911 system if they have not already done so.

2. That the parties shall have until July 17, 1998, to diagnose and correct what they perceive to be errors in the Macon County Enhanced 911 system.

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

Direct testimony	- August 17, 1998 3:00 p.m.
Rebuttal testimony	- September 14, 1998 3:00 p.m.
Surrebuttal	- September 23, 1998 3:00 p.m.
Prehearing conference	- September 28, 1998 10:00 a.m.
Hearing Memorandum	- October 13, 1998
Evidentiary hearing	- November 2-3, 1998 9:00 a.m.

4. That the prehearing conference and 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.

5. That this order shall become effective on April 22, 1998.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial 'D'.

**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 22nd day of April, 1998.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION (