

CB

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of November, 1998.

Euless Swindle, Jr.,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-98-352</u>
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Euless Swindle, Jr. filed a complaint with the Missouri Public Service Commission against Southwestern Bell Telephone Company (SWBT) on February 13, 1998. The Commission issued a Notice of Complaint on February 19, 1998. SWBT filed a document entitled Answer and Motion to Dismiss on March 23, 1998. The Commission held an early prehearing conference on May 4, 1998. As a result of that conference, the Staff of the Missouri Public Service Commission (Staff) filed a Motion to Extend Filing of Procedural Schedule. Staff indicated that at the time of the prehearing conference, the parties agreed that SWBT would install an additional line at Mr. Swindle's home at no cost to him for the purpose of reporting any problems on his line to SWBT service personnel. This additional line was to be provided for sixty (60) days. If the problems between SWBT and Mr. Swindle could not be resolved at the end of the sixty (60) day period, the parties agreed to participate in a teleconference to establish a procedural schedule.

On September 8, 1998, SWBT filed a second Motion to Dismiss. This motion indicates that Staff, Mr. Swindle and SWBT held a telephone conference at the end of July to discuss a procedural schedule, and that as a result of the conference, SWBT understood that Mr. Swindle has elected not to file direct testimony or proceed further in this matter. Mr. Swindle has not responded to the September 8, 1998, Motion to Dismiss or made any further filings.

Since Mr. Swindle has not responded to the September 8, 1998, Motion to Dismiss, nor disputed SWBT's allegation that he does not intend to proceed with this matter, the Commission concludes that this matter should be dismissed.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Eulless Swindle, Jr., against Southwestern Bell Telephone Company is dismissed.
2. That this case may be closed on November 18, 1998.
3. That this order shall become effective on November 17, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray
and Schemenauer, CC., concur.
Crumpton, C., absent.

Ruth, Regulatory Law Judge

RECEIVED

NOV 04 1998

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION