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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

The Staff of the Missouri Public	)	
Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. TC-98-63</u>
	)	
Ellington Telephone Company,	)	
	)	
Respondent.	)	
	)	

**ORDER SCHEDULING PREHEARING CONFERENCE**

On August 12, 1997, the Staff of the Missouri Public Service Commission (Staff) filed a complaint with the Commission against Ellington Telephone Company (Ellington). Staff alleged Ellington failed to comply with the Commission's Report and Order issued in Case No. TO-95-152 by failing to provide individual line service to all of its customers by December 31, 1996. Staff further alleged that Ellington failed to charge 84 customers still receiving multiparty rather than individual line service for telephone service. Staff alleged that such service was provided without an approved tariff, and that other customers who have been converted to individual line service have continued to pay for basic local service during the time period in question. Staff requests an order from the Commission finding that Ellington violated the Commission's order and the parties' Stipulation and Agreement in Case No. TO-95-152, as well as various statutes and Commission regulations, and requiring Ellington to pay penalties.

Ellington filed its answer on September 12, which alleged that Ellington's failure to completely eliminate multiparty service pursuant to the Commission's order was neither intentional nor due to any lack of diligence on its part. Ellington alleged that it merely underestimated the scope of work necessary to do the job properly in the most economical fashion. In addition, Ellington alleged its improvements have been made without the necessity to borrow money or increase rates, that there have been substantial decreases in customer-generated trouble reports, and that not one customer complaint was registered as a result of the failure of Ellington to meet its May 31 deadline to eliminate multiparty service. Ellington alleged that no lawful tariffed rate was in effect which could have been applied to the provision of multiparty service to 84 customers during the period in question, and that there was no discrimination among customers receiving multiparty service. Finally, Ellington alleged that it has suffered a revenue loss as a result of failing to charge these customers. Ellington requests an order from the Commission finding that its failure to implement individual line service by the date ordered was not due to any intentional act or lack of diligence, and imposing only minimal penalties for such failure.

The Commission finds that it is appropriate to schedule a prehearing conference so the parties can identify the issues in dispute and develop a proposed procedural schedule. The parties should be prepared to discuss the facts and stipulate to those facts which are not in dispute. The parties shall then file a recommended procedural schedule or stipulation and agreement no later than October 31.

**IT IS THEREFORE ORDERED:**

1. That a prehearing conference is now set in this matter for October 21, 1997, at 10:00 a.m. 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. Any persons with special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the prehearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

2. That the parties shall file a proposed procedural schedule no later than October 31, 1997.

3. That this order shall become effective on September 30, 1997.

**BY THE COMMISSION**



**Cecil I. Wright  
Executive Secretary**

(S E A L)

Amy E. Randles, Administrative  
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 17th day of September, 1997.