

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

R. Mark,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2006-0354</u>
)	
Southwestern Bell Telephone, L.P.,)	
d/b/a AT&T Missouri,)	
)	
Respondent.)	

ORDER ESTABLISHING SERVICE METHOD
AND SCHEDULING A SECOND PREHEARING CONFERENCE

Issue Date: July 27, 2006

Effective Date: July 27, 2006

On July 5, 2006, the Missouri Public Service Commission received notice that the copy of a Commission order sent to Mr. Mark had been returned as undeliverable. This was the second time a Commission order sent to Mr. Mark had been returned as undeliverable; another order was returned on May 4, 2006. Due to an inability to consistently serve Mr. Mark with pleadings and orders pertaining to this complaint, as required by Commission Rule 4 CSR 240-2.080(18), at the only mailing address he provided to the Commission, an alternate address or means of serving Mr. Mark was required.

On July 12, 2006, the Commission issued an order requesting that Mr. Mark provide the Commission with an alternate service address or authorize the Commission and parties

to this docket to serve him using the confidential facsimile number included as part of his original complaint.

On July 19, 2006, Mr. Mark responded to the Commission's order. In his response, Mr. Mark suggested that the failure of mail to reach him may have been due to a temporary employee working the mailing route. Mr. Mark's suggestion was for the Commission to "re-mail" any item which is returned as undeliverable. Mr. Mark agreed to allow the Commission's data center to use his confidential facsimile number to serve him with any future item returned as undeliverable.

The Commission finds Mr. Mark's suggested method to address service issues unrealistic. The Commission cannot wait for a mailing to be returned as undeliverable prior to re-mailing or even faxing the document. Most service mailings in Commission cases contain time-sensitive material. For example, Mr. Mark missed a prehearing conference scheduled in this case because the order providing notice of the prehearing, mailed out on June 22, 2006, was not returned undeliverable until right before the conference, 13 days later. Failure to comply with any Commission order, including an order requiring attendance at an evidentiary hearing or a prehearing conference, can result in a complaint being dismissed under Commission Rule 4 CSR 240-2.116(3). Thus, the Commission must have a reliable and timely means to serve all parties to Commission cases. Accordingly, the Commission will order its data center to serve Mr. Mark both through regular mail and facsimile. Mr. Mark's facsimile number will remain confidential and will be redacted from the official service list.

The next step is to move this matter toward resolution. To that end, the Commission will conduct a second prehearing conference to address discovery issues and discuss the

scheduling of an evidentiary hearing. Mr. Mark is advised that failure to participate in this second prehearing conference could result in his case being dismissed.

IT IS ORDERED THAT:

1. All future items to be served upon R. Mark shall be served through regular mail at his service address and by facsimile at the confidential facsimile number attached to his original complaint.

2. A prehearing conference will take place on August 15, 2006, beginning at 1:30 p.m. The prehearing will be held in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This prehearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing. All parties are required to participate in the prehearing conference. **Parties may participate by telephone by dialing 751-9630 (local) or 1-866-809-5704.**

3. This order shall become effective on July 27, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of July, 2006.