

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 REGARDING STAFF'S MOTION FOR EXTENSION OF TIME TO
FILE REPORT, COMPLAINANT'S MOTION TO SUSPEND DISCOVERY
AND AT&T'S MOTION TO STRIKE

Issue Date: May 26, 2006

Effective Date: May 26, 2006

R. Mark filed a complaint against Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, on March 15, 2006. AT&T Missouri filed its answer and a motion to strike portions of the complaint. The Commission directed its Staff to investigate and file a report by May 31, 2006. On May 25, 2006, the Staff requested until June 30 to file its report. On the same day, Mr. Mark filed a motion for summary judgment and a motion to suspend discovery pending resolution of the motion for summary judgment.

The Commission has considered these motions and will proceed as follows. The Commission does not consider Mr. Mark's complaint to be evidence, nor does the Commission expect that Mr. Mark, a pro se litigant, will present pleadings to the

Commission comparable to those prepared by attorneys who regularly practice before the Commission. The motion to strike will be denied.

The Staff requests additional time to file its report. The Staff relates that data requests are outstanding and follow up may be necessary. The Commission anticipates that the Staff will offer an objective assessment of the merits of Mr. Mark's complaint and AT&T's defenses. The time for filing the Staff report will be extended to June 30, 2006.

Mr. Mark seeks a suspension of discovery until disposition of his motion for summary judgment. But it appears data requests are still outstanding from the Staff and from AT&T. The Commission notes that the discovery process is designed to obtain information relevant to each party's claims and defenses and that data requests assist the parties in narrowing the issues for presentation to the Commission. In addition, discovery and data requests often form the basis for the prosecution or defense of a motion for summary judgment. The Commission will decline to suspend the discovery process.

The parties are advised that Commission rule 4 CSR 240-2.090(8) provides that the Commission will not entertain any discovery motions until the parties have in good faith conferred or attempted to confer by telephone or in person.

IT IS ORDERED THAT:

1. The motion to strike filed by Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, on May 1, 2006, is denied.
2. The motion for extension of time to file a report filed by the Staff of the Commission on May 25, 2006, is granted; the Staff shall file its report by June 30, 2006.
3. The motion for suspension of discovery filed by Mr. Mark on May 25, 2006, is denied.

4. Any motions not ruled on herein remain pending.
5. This order shall become effective on May 26, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Steven C. Reed, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of May, 2006.