

**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  
August, 2005.

In the Matter of the Request of Southwestern Bell	)	
Telephone, L.P., d/b/a SBC Missouri, for a Waiver	)	<b><u>Case No. TE-2006-0053</u></b>
of Certain Requirements of 4 CSR 240-29.040(4).	)	

**ORDER OPENING CASE, PROVIDING NOTICE, SETTING  
INTERVENTION DEADLINE, ADOPTING PROCEDURAL SCHEDULE,  
AND SCHEDULING EVIDENTIARY HEARING**

Issue Date: August 4, 2005

Effective Date: August 4, 2005

On July 14, 2005, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed an Application for Rehearing, and Alternative Request for Temporary Variance or Waiver in Case No. TX-2003-0301. SBC Missouri requested that the Commission grant rehearing of its Orders of Rulemaking, or in the alternative, that the Commission grant SBC Missouri a waiver for at least one year of certain requirements in 4 CSR 240-29.040(4). By order issued July 28, 2005, the Commission denied the request for rehearing. The Commission also granted a temporary waiver, until September 30, 2005, of the requirement of 4 CSR 240-29.040(4), that the originating Calling Party Number (CPN) be included in the 11-01-XX billing records for wireless-originated calls. The Commission noted that the temporary waiver would allow the Commission to investigate this issue further.

Upon further review, the Commission has determined that a new case should be opened to address this matter, and that an evidentiary hearing is necessary. In order to

facilitate the prompt resolution of this case, the Commission will also adopt a procedural schedule for this case.

As Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, is a necessary party to the resolution of this matter, the Commission will make SBC Missouri a party to this case. The Commission also finds that the Midwest Independent Telephone Company Group (MITG) and the Small Telephone Company Group (STCG) should be made parties.<sup>1</sup> In addition, the Commission will direct that a copy of this order be sent to all certificated telecommunications companies in Missouri. The Commission will also set a deadline for the filing of applications to intervene.

The following conditions shall apply to the procedural schedule:

(A) The Commission will require the prefiling of direct and rebuttal testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. 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 caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

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<sup>1</sup> In Case No. TX-2003-0301, both the MITG and the STCG filed pleadings objecting to SBC Missouri's request for a waiver for at least one year.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall propose the order of cross-examination and file a joint pleading indicating the same.

(D) Each party shall file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one.

(E) The Commission's general policy provides for the filing of the transcript within ten days after the hearing. Due to the expedited nature of this case, the Regulatory Law Judge will direct that the transcript be submitted on the next business day after the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. There will be one round of simultaneous briefs. The briefs shall follow the same list of issues as filed in the case. The 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. Briefs will be limited to 20 pages each.

(G) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only one copy of the exhibit is necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to a copy for the court reporter, copies for the five Commissioners, the Regulatory Law Judge, and all counsel.

(H) Parties shall provide an electronic mail copy of each pleading to the other parties in this case. The electronic mail copy shall be sent contemporaneously with its filing at the Commission.

**IT IS THEREFORE ORDERED:**

1. That the parties are directed to comply with the conditions set out in this order.
2. That the Midwest Independent Telephone Company Group is made a party to this case.
3. That the Small Telephone Company Group is made a party to this case.
4. That the Commission's Data Center shall serve notice as set out herein.
5. That any party wishing to intervene in this matter shall file an application to do so no later than August 12, 2005, with:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and serve a copy on:

Paul G. Lane  
Southwestern Bell Telephone, L.P., d/b/a SBC Missouri  
One Bell Center, Room 3520  
St. Louis, Missouri 63101

W.R. England, III  
Brian T. McCartney  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue  
Post Office Box 456  
Jefferson City, Missouri 65102-0456

Craig S. Johnson  
ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.  
The Col. Darwin Marmaduke House  
700 East Capitol Avenue  
Post Office Box 1438  
Jefferson City, Missouri 65102-1438

and:

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, Missouri 65102

6. That the following procedural schedule is ordered:

SBC Missouri files direct testimony	August 12, 2005
Any other party may file rebuttal testimony	August 23, 2005
Filing of list of issues, statements of positions, order of opening statements, order of witnesses, and order of cross-examination	August 31, 2005
Evidentiary Hearing	September 7, 2005 8:30 a.m.
Transcript submitted	September 8, 2005
Briefs	September 14, 2005

The hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Room 310, Jefferson City, Missouri, a facility that meets the accessibility standards of the Americans with Disabilities Act (ADA). If any person needs additional accommodations to participate in these proceedings, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

7. That this order shall become effective on August 4, 2005.

**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 )

Davis, Chm., Murray, Gaw,  
Clayton and Appling, CC., concur

Ruth, Senior Regulatory Law Judge