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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of August, 1997.

Gary Amerine,)	
)	
Complainant,)	
)	
vs.)	<u>CASE NO. TC-96-365</u>
)	
MCI Telecommunications Corp.,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT AND CLOSING CASE

On April 30, 1996, Gary Amerine (Amerine or Complainant) filed a complaint against MCI Telecommunications Corporation (MCI or Respondent). The essence of the complaint was that Complainant's line was not blocked after requesting that it be blocked so that long distance calls could not be placed from the Complainant's line. Complainant alleges that he was advised by MCI that the blocking had been accomplished. Complainant requested relief in the form of waiving or reducing subsequent long distance charges to his line.

On May 7, a notice of complaint was sent to the Respondent by certified mail. Within that same notice, the Respondent was directed to file an answer on or before June 10. On June 6, MCI filed its answer in which it stated that its corporate name had been misidentified and the Respondent further stated that MCI had taken steps to resolve the complaint by crediting the Complainant's account for the disputed charges. MCI further stated that the Complainant had accepted the remedy and for that reason MCI requested the Commission dismiss the complaint.

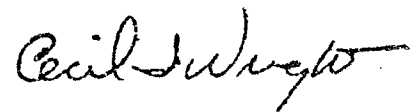
On June 27, the Commission sent notice for confirmation and resolution of this case to the Complainant. There has been no response from the Complainant nor any other pleading or action from the Complainant since that date. On March 18, 1997, MCI filed a motion to dismiss for lack of prosecution. More than 10 days have passed since that date and the Complainant has failed to respond.

Pursuant to 4 CSR 240-2.116(2) "Cases before the Commission may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time". Pursuant to the pleading filed by MCI on March 18, the Commission finds reason to believe that this case has been resolved. In addition, the Commission finds that the Complainant has failed to prosecute this cause of action pursuant to the Commission's rule and, for that reason, this case shall be dismissed.

IT IS THEREFORE ORDERED:

1. That the motion to dismiss filed by MCI Telecommunications Corporation on March 18, 1997, is hereby granted.
2. That this order shall become effective on September 9, 1997.
3. That this case shall be closed on September 10, 1997.

BY THE COMMISSION



Cecil I. Wright
Executive Secretary

(S E A L)

Lumpe, Ch., Crumpton,
Drainer and Murray, CC.,
concur.

ALJ: Roberts