

3 ✓  
K  
COT

9/26

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of Metro )  
Connection, Inc. d/b/a TransAmerican Telephone )  
for a Certificate of Service Authority to Provide ) Case No. TA-97-556  
Basic Local Telecommunications Service in Portions )  
of the State of Missouri and to Classify Said )  
Services as Competitive. )  
)

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Metro Connection, Inc. d/b/a TransAmerican Telephone ("Metro Connection") filed an application on June 23, 1997, requesting a certificate of service authority to provide basic local telecommunications service and requesting competitive classification. The Commission granted intervention to Southwestern Bell Telephone Company ("Intervenor") on August 13 and directed the parties to file a procedural schedule by September 11. The Commission Staff ("Staff") filed a proposed procedural schedule on September 11, indicating that Metro Connection and Intervenor did not oppose the Staff's proposed schedule and that Staff had been unable to contact counsel for the Office of the Public Counsel ("OPC"). No other party to the case filed a proposed procedural schedule. The Commission will adopt the proposed procedural schedule, with one revision due to a scheduling conflict on January 7, 1998, as set out in the ordered paragraphs below. In addition, the Commission finds that the following conditions shall be applied to the schedule.

A. The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. 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 in the proceedings caused by allegations of unfair surprise at the hearing. The Commission expects the parties to comply with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

B. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers the information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered information open to the public.

C. The Commission will schedule a prehearing conference to allow the parties the opportunity to resolve substantive issues as well as to consider those matters described in 4 CSR 240-2.090(6). The parties shall also use the prehearing conference to eliminate issues which can be resolved through updating of a party's case, clarification of misunderstandings, explanation of an issue's interrelationship with other issues, and correction of clerical or arithmetic errors.

D. The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing, definitions of terms used in describing those issues, and each party's position on those issues. The Commission Staff will be responsible for preparing and filing the hearing memorandum. The Commission wishes to emphasize the importance of the deadline for filing the hearing memorandum. Unless the Commission orders otherwise, the hearing memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue at least two business days prior to the

due date. If a party fails to provide its position by that date, the Staff is not obligated to include that party's position in the Hearing Memorandum. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. The briefs to be submitted by the parties shall follow the same format established in the hearing memorandum. Initial 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.

E. The Commission's general policy provides for the filing of the transcript within ten working days after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the administrative law judge at least five days before the hearing.

F. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule be adopted for this proceeding, subject to the conditions discussed above:

Direct testimony to be filed by Metro Connection	-	October 20, 1997 3:00 p.m.
Rebuttal testimony to be filed by Staff, OPC and intervenor	-	November 19, 1997 3:00 p.m.
Surrebuttal and cross-surrebuttal testimony to be filed by all parties	-	December 15, 1997 3:00 p.m.

Prehearing conference - January 6, 1998  
10:00 a.m.

Hearing Memorandum - January 21, 1998

Evidentiary hearing - February 4, 1998  
10:00 a.m.

2. That the prehearing conference and evidentiary hearing will be held 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. Anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing conference or hearing at: Consumer Services Hotline — 1-800-392-4211 or TDD Hotline — 1-800-829-7541.

3. That this order shall become effective on September 26, 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 26th day of September, 1997.