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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 9th
day of October, 1997.

In the Matter of the Development of a)
Forward-looking Economic Cost Study for)
Purposes of Determining Federal Universal)
Service Support in the State of Missouri.) Case No. TO-98-64

ORDER ESTABLISHING PROCEDURAL SCHEDULE

This case was opened for the purpose of developing a forward-looking economic cost study to use in determining federal universal service support in Missouri. The Commission set a date for an early prehearing conference and directed the parties to file a proposed procedural schedule no later than September 19, 1997. The early prehearing conference was held and, on September 19, the Staff of the Commission (Staff) filed a Motion to Extend Time to File Procedural Schedule. Staff asked for an extension of the filing date until September 24. However, no filing was made until September 26 and no explanation for the delay was offered.

Staff filed a Stipulation and Agreement and Alternative Procedural Schedule on September 26. Staff's counsel advised the Regulatory Law Judge that non-signatory parties were not requesting a hearing and would be filing a pleading so advising the Commission. In fact no pleadings have been filed by non-signatory parties.

Despite the untimeliness of the filing, the Commission will treat the Staff's September 26 pleading as properly filed in order to avoid further prejudicial delay. The Commission has considered the parties' Stipulation and Agreement and alternative proposed procedural schedule and

will adopt the procedural schedule in part. The Commission notes that the Stipulation and Agreement has been signed by only five of twelve identified parties. 4 CSR 240-2.115 provides that, when a nonunanimous stipulation is submitted for approval, the Commission may treat it as unanimous if no party files a request for hearing within five days after the stipulation was filed. More than five days have passed since the filing of the nonunanimous stipulation. However, more parties to this case are non-signatories to the agreement than signatories. The Commission has a duty to report the results of this inquiry to the FCC by February 2, 1998, and a delayed challenge to the stipulation could prejudice the entire case. Therefore, the Commission will allow the non-signatory parties an additional opportunity to request a hearing. Failure to request a hearing will be deemed a waiver of the right to hearing.

Accordingly, any non-signatory party to this case that wishes to object to the stipulation and request a hearing may file a request for hearing no later than October 14. In the event that no request for hearing is filed, the Commission will conduct a hearing for responses to Commission questions regarding the stipulation on November 17. If a party requests a hearing, the filing dates set out in Ordered Paragraph 3 shall apply, as well as the Additional Requirements set out below in paragraphs A through E.

Additional Requirements for Contested Case Proceeding:

A. The Commission will require the prefiling of testimony in compliance with the requirements of 4 CSR 240-2.130, including the filing of testimony 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 in the proceedings caused by allegations of unfair surprise at the hearing.

B. 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 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 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 before 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.

C. Any party wishing to offer a prefiled exhibit into evidence must bring to the hearing three copies of the exhibit for the court reporter. If the exhibit has not been prefiled, the proponent must also bring six copies for the Commissioners and the Regulatory Law Judge, and copies for opposing counsel.

D. The Commission shall order that the transcript be filed on an expedited basis.

E. The Commission will allow only one round of briefs. Briefs shall be limited to 30 pages and shall follow the same format established in the hearing memorandum. 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. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

IT IS THEREFORE ORDERED:

1. That any party to this case that is a non-signatory to the stipulation filed on September 26 may file a request for evidentiary hearing no later than October 14, 1997. Failure to file such a request will constitute a waiver of the right to hearing on the issues in this case.

2. That, if no request for hearing is received by October 14, 1997, the Commission will conduct a stipulation hearing for the parties to respond to Commission questions on November 17, 1997, at 10:00 a.m..

3. That, if a request for hearing is granted, no stipulation hearing will be conducted but the following procedural schedule shall apply, subject to the conditions discussed above:

Distribution of cost models	-	October 17, 1997
Simultaneous direct testimony	-	October 17, 1997, 3:00 p.m.
Simultaneous rebuttal testimony	-	November 10, 1997, 3:00 p.m.
Hearing Memorandum	-	November 14, 1997
Evidentiary hearing	-	November 17-21, 1997 10:00 a.m.
Simultaneous briefs	-	December 5, 1997

4. The stipulation hearing or 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.

5. That this order shall become effective on October 9, 1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

**Cecil I. Wright
Executive Secretary**

(S E A L)

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

Wickliffe, Deputy Chief Regulatory Law Judge