

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Staff of the Public Service Commission)
of the State of Missouri,)

Complainant,)

v.)

Case No. TC-2007-0413

Time Warner Cable Information)
Services (Missouri), LLC,)

Respondent.)

ORDER DISMISSING CASE

Issue Date: December 4, 2007

Effective Date: December 14, 2007

The Staff of the Missouri Public Service Commission (“Staff”) filed a complaint against Time Warner Cable Information Services (Missouri), LLC, d/b/a Time Warner Cable (“TWC”) on April 23, 2007. According to the complaint, despite repeated assurances that they would be filed forthwith, TWC failed to file a series of quarterly Quality of Service Reports in violation of Commission Rule 4 CSR 240-3.550(5)(A), which requires each company providing basic local telecommunications service to file such reports with the Commission “no later than forty-five (45) days following the end of each quarter.” Staff further sought authorization to bring a penalty action against TWC in circuit court to recover “the maximum statutory forfeiture allowed by section 386.570 RSMo. for each separate, distinct, and continuing violation.”

By order dated July 12, 2007, the Commission adopted a procedural schedule setting the matter for an evidentiary hearing on October 23, 2007. At the outset of the hearing, which commenced as scheduled, counsel for TWC orally moved for a continuance,

explaining, in part, that TWC believed the case could be settled relatively quickly without conducting a full-blown evidentiary hearing. That motion was granted by Commission order dated November 1, 2007, in which the Commission stated that “[a]ssuming the case does not settle before then, an evidentiary hearing on the merits of Staff’s complaint will be held on Friday, November 30, 2007, in Hearing Room 310 beginning at 10:00 a.m.” The Commission also advised TWC that no further continuances would be granted absent extraordinary circumstances, and that it expected the parties to make every reasonable effort to resolve the matter as quickly and fairly as possible.

On November 19, 2007, Staff filed its Motion to Dismiss Complaint and Cancel Hearing, in which it explained that TWC submitted updated quarterly quality of service reports for the second and third quarters of 2007 to Staff on November 15, 2007. The motion further stated that after reviewing the updated reports, Staff found them to be satisfactory per Commission Rule 4 CSR 240-3.550(5)(A) and that TWC “is now current on their quarterly quality of service reports,” thereby making a hearing unnecessary. Therefore, Staff requested that “the Commission issue an Order canceling the hearing currently scheduled for November 30, 2007.” On November 28, 2007, the Commission issued an order cancelling the hearing.

Staff’s November 19, 2007 motion also requested that the Commission dismiss this case pursuant to Commission Rule 4 CSR 240-2.116(4), which states that a “case may be dismissed for good cause found by the commission after a minimum ten (10) days notice to all parties involved.” Staff avers that good cause exists for dismissal of its complaint since the matter has now been resolved to its satisfaction, without the need for the Commission’s authorization to bring a penalty action against TWC in circuit court. Accordingly, Staff also requested that the Commission dismiss the instant case “for good cause shown upon ten

days' notice to all parties." As Staff has clearly shown good cause for its complaint to be dismissed, the Commission shall grant Staff's motion and dismiss Case No. TC-2007-0413 with prejudice.

IT IS ORDERED THAT:

1. Staff's complaint against Time Warner Cable Information Services (Missouri), LLC, d/b/a Time Warner Cable in Case No. TC-2007-0413 is dismissed with prejudice.
2. This order shall become effective on December 14, 2007.

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)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of December, 2007.