BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Nexus Communications, Inc.,)
Complainant,)
V.) <u>File No. TC-2011-0240</u>
Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri,)))
Respondent)

ORDER SETTING PRE-HEARING CONFERENCE

Issue Date: January 31, 2011 Effective Date: January 31, 2011

The Missouri Public Service Commission is granting the motion for pre-hearing conference ("motion") that Staff filed on January 31, 2010, in its *Staff Position Statement*. The pre-hearing conference's purpose and function is as follows:

- (6) Parties may consider procedural and substantive matters at the prehearing conference which may aid in the disposition of the issues. Matters which require a decision may be presented to the presiding officer during the conference.
- (7) Facts disclosed in the course of a prehearing conference and settlement offers are privileged and, except by agreement, shall not be used against participating parties unless fully substantiated by other evidence.[1]

In the motion, Staff raises the following matters: whether the Commission should set the complaint for hearing, whether the parties can submit the complaint for decision on briefs without a hearing, and any Staff position on the complaint. The parties shall be prepared to discuss those matters and the possibilities for settlement. Also, the Commission

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¹ 4 CSR 240-2.090.

encourages the parties to continue their attempts to resolve disputed matters among themselves and offers mediation services for that purpose.

THE COMMISSION ORDERS THAT:

- 1. The motion for pre-hearing conference is granted.
- 2. The regulatory law judge assigned to this action ("RLJ") will convene a prehearing conference at 10:00 a.m., on February 7, 2011, in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.
- 3. Complainant, Respondent, and the Commission's staff shall appear. The Office of Public Counsel may appear. Any such appearance may be either in person or through counsel, and may be either at the hearing room or by telephone. Any appearance by telephone shall be made by (573) 522-5993 at the pre-hearing conference's start time.
- 4. The pre-hearing conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person who needs additional accommodations to participate in the pre-hearing conference shall contact the Commission before the pre-hearing conference. Such contact shall be through the Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711.
 - 5. This order shall become effective immediately on issuance.

BY THE COMMISSION

(S E A L)

Steven C. Reed Secretary

Jordan, Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri, on this 31st day of January, 2011.