

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Mark Twain)
Communications Company for a Nunc Pro Tunc)
Order Specifying the Service Area of Mark Twain)
Communications and Redefining the Service Area)
of Spectra Communications for Purposes of)
Mark Twain's ETC Service Area and Federal)
Universal Service Support Pursuant to Section 254)
of the Telecommunications Act of 1996.)

Case No. TO-2006-0100

ORDER SETTING PRE-HEARING CONFERENCE
AND REQUIRING PROPOSED PROCEDURAL SCHEDULE

Issue Date: October 24, 2005

Effective Date: October 24, 2005

On August 31, 2005, Mark Twain Communications Company filed its Application for a Nunc Pro Tunc Order Specifying the Service Area of Mark Twain Communications and Redefining the Service Area of Spectra Communications for Purposes of Mark Twain's ETC Service Area and Federal Universal Service Support Pursuant to Section 254 of the Telecommunications Act of 1996. Mark Twain stated that the requested relief is necessary because the Commission's order of June 15, 2000, in Case No. TA-2000-591, in which Mark Twain was granted ETC status, failed to specify the service area for which that status was granted. As a result, according to Mark Twain, the USAC has refused to make high-cost loop support payments to Mark Twain for two of its three exchanges since July 2003.

The relief requested by Mark Twain included a prayer that the Commission "redefine Spectra's study area for purposes of Mark Twain's ETC designated service area." For this reason, the Commission added Spectra as a party to this case on September 2.

Also on September 2, the Commission directed notice to all Missouri-certificated carriers and set October 3 as the deadline for intervention applications and directed its Staff to file its Memorandum and Recommendation by October 5. No applications for intervention were received. However, on September 16, Spectra moved for an evidentiary hearing. In response, on September 19, Mark Twain requested that a prehearing conference be set; Spectra concurred on September 20. On October 3, Staff moved for permission to delay the filing of its Memorandum and Recommendation until after the prehearing conference.

This matter is now at issue and a prehearing conference and procedural schedule are appropriate to ensure its prompt resolution. At the prehearing conference, the parties or their representatives should be prepared to discuss the nature of any discovery each will conduct and the interval necessary for its completion; the number of witnesses each expects to call at hearing; the number and nature of any exhibits each expects to offer at hearing; and the anticipated length of the hearing. The parties or their representatives should also be prepared to discuss the current status of any settlement negotiations. It is expected that the prehearing conference will provide an opportunity for the parties to further pursue settlement discussions.

The parties shall jointly file a proposed procedural schedule approximately one week after the prehearing conference. The proposed procedural schedule shall establish dates for the filing of a list of the issues to be determined by the Commission and statements by the parties of their position on each such issue. The proposed procedural schedule shall also include a date for the filing of a list of the witnesses to be called on each day of hearing, the order in which they shall appear and the order of cross-

examination agreed upon by the parties. The proposed procedural schedule shall also establish dates for the hearing of this matter.

IT IS THEREFORE ORDERED:

1. That a prehearing conference shall be held on Friday, November 4, 2005, beginning at 10:00 a.m. The prehearing conference shall be held at the Commission's offices at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, Room 305. The Governor Office Building is a facility that meets the accessibility requirements of the Americans with Disabilities Act. Any person who needs additional accommodations to participate in the prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or dial 711 for Relay Missouri.

2. That the parties shall jointly prepare and file a proposed procedural schedule no later than Thursday, November 10, 2005.

3. That Staff need not file a Memorandum and Recommendation pending the further order of the Commission.

4. That this order shall become effective on October 24, 2005.

(S E A L)

BY THE COMMISSION



Colleen M. Dale,
Secretary

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th Day of October, 2005.