

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 17th day of
May, 2012.

In the Matter of the Revised Tariff Filing of)	<u>File No. TR-2012-0298</u>
Choctaw Telephone Company)	Tariff No. JI-2012-0441

ORDER DENYING APPLICATION FOR REHEARING

Issue Date: May 17, 2012

Effective Date: May 27, 2012

On May 1, 2012, the Commission issued an order denying Public Counsel's motion to suspend a tariff submitted by Choctaw Telephone Company to change its approved rates for local telephone service. In that same order, the Commission approved Choctaw's tariff to become effective on its July 1 effective date. The Commission's order became effective on May 11. On May 10, the Office of the Public Counsel filed a timely application for rehearing.

In addition to its request for rehearing regarding the Commission's refusal to suspend Choctaw's tariff, Public Counsel asks the Commission to rehear its refusal to compel Choctaw to respond to Public Counsel's discovery requests pursuant to Section 386.450, RSMo 2000. That statute states:

At the request of the public counsel and upon good cause shown by him the commission shall require or on its own initiative the commission may require, ... the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said corporation, person or public utility in any office or place within or without this state, ... so that an examination thereof may be made by the public counsel when the order is issued at his request or by the commission or under its direction.

As Public Counsel contends, this statute gives Public Counsel broader discovery authority than the general right to discover relevant information that is admissible at hearing or that appears reasonably calculated to lead to discovery of admissible information that it would be allowed under Missouri's rules of civil procedure. However, the discovery authority given to Public Counsel by that statute is not absolute. Public Counsel still must show the Commission good cause for its request.

In its motion to compel, Public Counsel indicates it was seeking answers to its data requests to "clarify concerns whether any resultant tariff changes would reflect just and reasonable rates as required by Section 392.200.1 of the Missouri Revised Statutes." The Commission has determined that the controlling statute no longer authorizes an earnings review of Choctaw and has denied Public Counsel's motion to suspend Choctaw's tariff for further review. Consequently, Public Counsel did not show good cause for a Commission order compelling Choctaw to respond to its data requests.

Section 386.500.1, RSMo (2000), indicates the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefor be made to appear." The application for rehearing restates positions the Commission has previously rejected in its order. In the judgment of the Commission, Public Counsel has not shown sufficient reason to rehear the Commission's order. The Commission will deny the application for rehearing.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's Application for Rehearing is denied.

2. This order shall become effective on May 27, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett and Kenney, CC., concur.

Woodruff, Chief Regulatory Law Judge