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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Charles A. Harter,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-97-455</u>
)	
Southwestern Bell Telephone)	
Company,)	
)	
Respondent.)	
)	

ORDER SETTING EARLY PREHEARING CONFERENCE

On April 14, 1997, Charles A. Harter (Complainant) filed a formal complaint with the Missouri Public Service Commission (Commission) alleging that Southwestern Bell Telephone Company (SWBT) violated Commission rules regarding service disconnection and record-keeping. SWBT responded on May 2 by filing an Answer denying SWBT violated any Commission rule and a Motion to Dismiss asking the Commission to dismiss the complaint for failure to state a claim upon which relief may be granted. After considering the pleadings, the Commission found there were disputed issues of fact and issued an order on May 13 directing the Staff of the Commission to investigate. The Commission further ordered SWBT not to discontinue Complainant's telephone service during the pendency of this case.

On August 14, Complainant filed a Complaint of Disconnection alleging SWBT disconnected his phone service for number 583-9881, even though he was not delinquent in payments regarding that number. Complainant alleged SWBT disconnected the 583-9881 number in direct

contravention of the Commission's May 13 order because Complainant failed to make payments on his delinquent account for phone number 629-2002.

SWBT filed its Answer to Complaint to Disconnection and Other Allegations on August 18. SWBT indicates Complainant requested that his business service at 314-629-2002 be disconnected, although it is unclear whether Complainant made his request for disconnection on May 13 or requested his service actually be disconnected on May 13. SWBT states Complainant first requested calls from the number being disconnected be forwarded to a residential number. One week later, he canceled the forwarding order. SWBT states that on the following day, Complainant requested calls from the disconnected number be forwarded to his new business number, 314-583-9771. SWBT notes Complainant has never paid for any of the forwarding services. Service to the 314-629-2002 was disconnected on July 21 at Complainant's request. SWBT states it sent repeated notices to Complainant demanding payment on the overdue account and informing him that SWBT would suspend service to Complainant's new business number (314-583-9771) if he failed to pay.

SWBT admits that it "did interrupt" Complainant's service on the new number, though when the "interruption" commenced and its duration are unclear. However, SWBT denies disconnecting 314-583-9771 and states the number is currently working pursuant to the Commission's order.

The Commission finds that a hearing is necessary to resolve the factual issues in this matter and to determine whether SWBT acted improperly in "interrupting" Complainant's phone service despite a Commission order directing it not to do so. The Commission will schedule an early prehearing conference and set a date for the parties to offer a procedural schedule.

IT IS THEREFORE ORDERED:

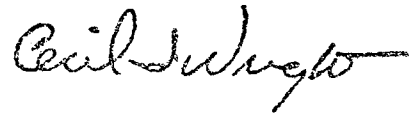
1. That the parties shall meet in an early prehearing conference on Wednesday, November 19, 1997, at 10:00 a.m. at the Commission's offices on the fifth floor of the Harry S. Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

2. That anyone with 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 or hearing at one of the following numbers: Consumer Services Hotline — 1-800-392-4211 or TDD Hotline — 1-800-829-7541.

3. That the parties shall file a proposed procedural schedule no later than December 1, 1997.

4. That this order shall become effective on November 6, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Kevin F. Hennessey, Regulatory Law Judge,
by delegation of authority pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 6th day of November, 1997.