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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 25th day of July, 1997.

In the Matter of the Application of Communications)
Cable-Laying Company, d/b/a Dial U.S., for)
Variance and Waiver of Certain Commission Rules)
and Regulations for Purposes of Providing a) Case No. TA-97-540
Prepaid Basic Local Exchange Service Within the)
State of Missouri.)
)

**ORDER SUSPENDING TARIFF, GRANTING PARTICIPATION,
AND SETTING HEARING DATE**

Communications Cable-Laying Company, d/b/a Dial U.S. (Dial U.S.), filed an Application for Waiver and/or Variance of Certain Commission Rules on June 13, 1997. The application asked the Commission to grant additional waivers beyond those granted to Dial U.S. in its certification cases, and was accompanied by a proposed tariff carrying an effective date of July 28. The effective date was later extended to August 30. The Commission issued an Order and Notice on June 20 directing parties wishing to intervene to file an application no later than July 10.

GTE Midwest Incorporated (GTE) filed an Application for Participation Without Intervention on July 10. GTE stated that it has an interest in the Commission's decision in this case because it provides basic local exchange services and will be in direct competition with Dial U.S. once Dial U.S. begins offering services. GTE stated that its interest is different from that of the general public.

The Office of the Public Counsel (OPC) filed a Motion for Suspension of Tariff on July 9. OPC stated that it would not be

appropriate for the Commission to grant the waivers Dial U.S. has requested because, although other companies have requested similar waivers for prepaid services in the course of their certification process, Dial U.S. has already been certificated to provide local services that are not limited to prepaid services. OPC's position is that the waivers requested in this case should not be permitted for services other than prepaid services. OPC also stated that the tariff prices proposed by Dial U.S. for prepaid services are not just and reasonable, are contrary to the goals of universal service and inconsistent with the public interest. OPC pointed out that the proposed rates are approximately five times the present rates for basic local service. Staff filed a Response to the motion to suspend on July 18, stating that Dial U.S. has been cooperative in working toward resolution of the issues. Staff asked the Commission to deny OPC's motion.

The Commission has reviewed the application to participate filed by GTE and finds that it is in substantial compliance with Commission rules regarding participation and that GTE has an interest in this matter different from that of the general public. The Commission concludes that GTE's Application for Participation Without Intervention should be granted.

The Commission has also reviewed OPC's Motion for Suspension and the Staff Response, and finds that a hearing is necessary to resolve factual issues in this case. Accordingly, the proposed tariff shall be suspended for a period of 120 days beyond the effective date of August 30 until December 28, or until otherwise ordered by this Commission. The Commission will schedule an evidentiary hearing and set a date for the parties to offer a proposed procedural schedule.

IT IS THEREFORE ORDERED:

1. That the following tariff sheet submitted by Communications Cable-Laying Company, d/b/a Dial U.S., on June 13, 1997 is suspended for a period of 120 days beyond August 30, 1997 to December 28, 1997, or until otherwise ordered by this Commission.

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2. That GTE Midwest Incorporated is granted participation without intervention in accordance with 4 CSR 240-2.075(5).

3. That the Commission will conduct an evidentiary hearing in this case on November 14, 1997 beginning at 10:00 a.m. in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

4. That anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

5. That the parties shall file a proposed procedural schedule no later than August 25, 1997.

6. That this order shall become effective on the date hereof.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Zobrist, Chm., Crumpton,
Drainer, Murray and Lumpe,
CC., concur.

ALJ: Wickliffe