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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 24th  
day of July, 1997.

In the Matter of TCG St. Louis for Arbitration       )  
Pursuant to § 252(b) of the Telecommunications       )  
Act of 1996 to Establish an Interconnection       ) CASE NO. TO-98-14  
Agreement with Southwestern Bell Telephone       )  
Company.   )

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

On July 11, 1997, TCG St. Louis (TCG) filed a petition for arbitration with the Missouri Public Service Commission (Commission), asking the Commission to arbitrate an interconnection agreement between it and Southwestern Bell Telephone Company (SWBT), pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act). TCG requests that the Commission: arbitrate the issues identified in its petition; require SWBT to file with its response to the petition copies of all interconnection agreements it has with any other carrier in the State of Missouri on any of the issues which are the subject of this arbitration; require SWBT to file with its response to the petition copies of the cost studies, computer models, workpapers, analyses, or other documentation upon which SWBT relies as justification for its position; and order the parties to adopt an interconnection agreement incorporating the recommendations of the arbitration.

The parties contend that this case comes under the time guidelines established in the Act, which require that the Commission must act no later than nine months after the date that SWBT received TCG's request for interconnection. Under the parties' view, the issues presented in this petition must be decided no later than November 3, and the Commission determines that an expedited procedural schedule is necessary.

In addition, the Commission also deems it appropriate to modify some of its normal procedures in order to accommodate the unique concerns of this type of arbitration case.

The parties participated in a scheduling meeting by conference call on July 22 to discuss the procedural schedule and appropriate procedural modifications thereto, with all parties in attendance. The parties agreed on all the dates for a proposed procedural schedule, and the Commission will adopt that schedule. The parties also anticipate that there will be a need to expedite the preparation of the transcript in order to accommodate the proposed procedural schedule.

During the course of the conference call, SWBT indicated some uncertainty about the issues upon which TCG seeks arbitration. TCG did list certain issues in its petition, but in many cases indicated that its position would be further explained in its testimony. Because of the necessity for an expedited procedural schedule, including the filing of simultaneous direct testimony, and the potential for confusion, the Commission will require TCG to file a comprehensive list of issues upon which it seeks an arbitration decision, including its positions on the issues. TCG shall also designate which issues it considers to be price issues for which it seeks access to SWBT's cost studies. Further, the Commission finds that the following conditions shall be applied to the procedural schedule.

A. Other than the Office of the Public Counsel (OPC), no entity shall be granted intervention or participation in this proceeding. The Commission believes the issues to be addressed are between the two parties negotiating the agreement and OPC. Interested persons will have an opportunity to address the agreement when it is filed for approval.

B. TCG shall file a comprehensive list of issues upon which it seeks an arbitration decision, including its positions on the issues. TCG shall also designate which issues it considers to be price issues for which it seeks access to SWBT's cost studies. The comprehensive list shall be filed no later than August 4.

C. The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. Direct testimony will be filed by the parties simultaneously; there will be an opportunity for parties to file rebuttal testimony, also simultaneously. Testimony should address compliance with the Telecommunications Act of 1996. The Commission expects the parties to comply with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

D. Because of the expedited nature of this proceeding, parties may deliver testimony and other pleadings to the Commission by means of express delivery services, in addition to hand delivery or U.S. Mail. Testimony and pleadings may be delivered to the parties in the same manner, or by FAX transmission. The Commission's rules will be modified to require parties to provide nine copies to the Commission of each document filed rather than the fourteen copies usually required.

E. Discovery in this case should generally conform to Commission procedures followed in arbitration cases filed earlier. There is not enough time to permit extensive discovery before the arbitration hearing. Each party may present its case and the Commission will decide the appropriate result. If a party fails to support its case, then it accepts the risk of an adverse decision. The Commission will therefore authorize only limited discovery for this proceeding.

No depositions will be permitted. If a party is unable to adequately prepare for hearing after reviewing the prefiled direct

testimony, that party may file with the Commission a data request or requests accompanied by a pleading explaining why the requested information is essential. The Commission will review the data request and pleading, and determine whether to forward the data request to the intended recipient. No data request pleading may be filed until after the filing of direct testimony.

F. The parties shall file an Issues Memorandum setting out the issues in dispute and the witnesses to appear on each day of the arbitration hearing, definitions of terms used in describing those issues, and each party's position on those issues. The Issues Memorandum shall set forth all issues that are to be heard and arbitrated by the Commission. Any issue not contained in the Issues Memorandum shall be viewed as not in dispute and not requiring resolution by the Commission.

H. Because this is an expedited proceeding, the parties will have a shortened time for the filing of post-arbitration briefs. Simultaneous initial briefs will be due on October 3, and simultaneous reply briefs will be due October 10. The briefs shall follow the same organizational structure as the Issues Memorandum. Initial briefs shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be arbitrated by the Commission. The Commission believes it is appropriate to limit the length of the initial briefs to 30 pages, and the reply briefs to 15 pages. In order to assist the parties in meeting this schedule the Commission will order that preparation of the transcript be expedited. All pleadings, briefs, and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

I. TCG has requested that the Commission order SWBT to provide TCG with copies of the cost studies upon which it relies as justification for its position, including computer models, workpapers,

analyses, and other documentation. The Commission finds that SWBT must provide cost studies in order for the Commission to reach a sound decision. Requests for computer models, workpapers, analyses, and other documentation may be made by filing a data request pleading with the Commission. However, SWBT will not be required to file copies of its interconnection agreements as requested by TCG. Any Commission-approved interconnection agreements entered into by SWBT are maintained as publicly available documents by the Commission and are available to TCG.

J. All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the arbitration hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the administrative law judge, and opposing counsel.

K. The parties agree that the Commission may issue its Arbitration Order regarding the issues set out in the petition with less than a ten-day effective date, since the provisions of the Telecommunications Act of 1996, rather than the provisions of Sections 386.500.2 and 386.510, RSMo 1994, apply regarding any review of the Commission's decision.

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule be adopted for this arbitration proceeding, subject to the conditions discussed above:

Prefiled direct testimony (Simultaneous)	-	August 18, 1997 3:00 p.m.
Data request pleadings	-	August 25, 1997
Prefiled rebuttal testimony (Simultaneous)	-	September 8, 1997 3:00 p.m.

Issues Memorandum - September 12, 1997  
Arbitration hearing - September 17-19, 1997  
10:00 a.m.  
Simultaneous initial briefs - October 3, 1997  
Simultaneous reply briefs - October 10, 1997

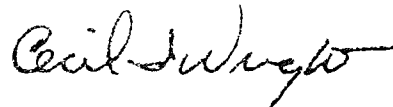
2. That the arbitration hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the arbitration hearing at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. TCG St. Louis shall file a comprehensive list of issues upon which it seeks an arbitration decision, including its positions on the issues. TCG shall also designate which issues it considers to be price issues for which it seeks access to SWBT's cost studies. The comprehensive list shall be filed no later than August 4, 1997.

4. That Southwestern Bell Telephone Company shall include with its prefiled direct testimony copies of the cost studies upon which it will rely as justification for the rates it proposes in this case.

5. 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,  
Murray, and Lumpe, CC., Concur.  
Drainer, C., Absent.

ALJ: Bensavage