

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Request of Southwestern Bell)
Telephone, L.P., d/b/a SBC Missouri, for a Waiver)
of Certain Requirements of 4 CSR 240-29.040(4)) **Case No. TE-2006-0053**

ORDER EXTENDING EXEMPTION
AND REQUIRING FILING

Issue Date: April 19, 2006

Effective Date: April 19, 2006

On April 17 and 18, 2006, an evidentiary hearing was held in this case. The Presiding Judge directed all parties to file a Memorandum of Law into the Electronic Filing and Information System (EFIS) no later than Monday, May 1, 2006, 8:00 a.m., addressing the following questions:

1. How controlling is a purpose clause?
2. How controlling is an order of rulemaking?
3. If the purpose of the rule can be accomplished through narrow construction, may the Agency construe it broadly?
4. If the Agency operated under a mistake of fact at the time of promulgation, but later learns of the mistake, can it lawfully alter its construction?
5. What is the standard for vagueness – what parameters apply when construction rises to the level of substantive interpretation?

In addition, the parties agreed to waive closing arguments if they could include a summary of their cases in the Memorandum. They will be permitted to do so, in five or fewer pages.

The Commission will also extend the current temporary waiver of the rules requirement by 30 days, from April 30, 2006, until May 30, 2006.

IT IS ORDERED THAT:

1. All parties shall file a Memorandum of Law addressing the above-mentioned questions. The Memorandum shall be filed in EFIS no later than 8:00 a.m., Monday, May 1, 2006.

2. The parties will include a summary of their case, in five or fewer pages, in the Memorandum in lieu of closing arguments, as agreed to at the Evidentiary Hearing.

3. The current temporary waiver of the rules requirement is extended by 30 days, from April 30, 2006, until May 30, 2006.

4. This order shall become effective on April 19, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th day of April, 2006.