

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Northwest Missouri)
Cellular Limited Partnership for Designation as a)
Telecommunications Company Carrier Eligible for) **Case No. TO-2005-0466**
Federal Universal Service Support Pursuant to § 254)
of the Telecommunications Act of 1996.)

ORDER ADOPTING PROCEDURAL SCHEDULE WITH MODIFICATIONS

Issue Date: August 10, 2005

Effective Date: August 10, 2005

This order adopts the procedural schedule proposed by the parties with some modification.

On August 1, 2005, the parties filed a joint motion requesting that the Commission adopt their proposed procedural schedule. The Commission has reviewed the proposed procedural schedule and finds it to be appropriate with the exception of the briefing schedule. The Commission will therefore adopt the proposed procedural schedule with certain modifications.

The Commission also finds that the following conditions should apply to the procedural schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) The parties shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall propose the order of cross-examination and file a joint pleading indicating the same.

(D) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript further, such request shall be tendered in writing to the Presiding Judge at least five days prior to the date of the hearing.

(E) Because much of the evidence will have been filed before the hearing, the Commission will require pretrial briefs that address all the issues in dispute and all the relevant prefiled testimony. Since the pretrial briefs will cover most of the record, post-trial briefs will not need to very lengthy, and will be limited to ten pages in length. Post-trial briefs will generally just need to update the pretrial briefs for new evidence adduced at the hearing. The Commission will allow the opportunity for closing arguments at the end of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(G) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has been prefiled, and served on the other parties, only one copy of the exhibit is necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(H) All parties must file proposed findings of fact including citations to prefiled testimony and other evidence. The parties may also file proposed conclusions of law.

IT IS THEREFORE ORDERED:

1. That the Joint Motion to Establish Procedural Schedule is granted as modified below.

2. That the procedural schedule is adopted as follows:

Direct Testimony	September 9, 2005
Rebuttal Testimony	November 10, 2005
Surrebuttal Testimony	December 9, 2005
Issues List, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements	December 16, 2005
Pretrial Briefs	December 22, 2005
Evidentiary Hearing	January 5-6, 2006 beginning at 8:30 a.m.
Posthearing Briefs and Proposed Findings of Facts (and Conclusions of Law – optional)	30 days after the transcripts are filed.

3. That the hearing will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Room 310, Jefferson City, Missouri, a facility which

meets the accessibility standards of the Americans with Disabilities Act (ADA). Any person who needs additional accommodations to participate in the hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

4. That the parties are directed to comply with the conditions set out in this order.

5. That this order shall become effective on August 10, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of August, 2005.