

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Nexus Communications, Inc.,)	
)	
Complainant,)	
)	
v.)	<u>File No. TC-2011-0132</u>
)	
Southwestern Bell Telephone, L.P.,)	
d/b/a AT&T Missouri,)	
Legal Department)	
One AT&T Center)	
909 Chestnut Street, Room 3520)	
St. Louis MO 63101)	
CERTIFIED MAIL)	
)	
Respondent.)	

NOTICE OF CONTESTED CASE

Issue Date: November 9, 2010

The Commission is giving notice of the commencement of a contested case. On November 5, 2010, the complainant filed the complaint, a copy of which accompanies this notice. Such filing vested the right to a pre-decision evidentiary hearing in the respondent,¹ so that filing instituted a contested case.²

A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,³ including by stipulation and agreement.⁴ Provisions governing discovery are at the Commission's regulation

¹ Section 386.390.5, RSMo 2000; *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

² Sections 536.063(1), RSMo 2000; Section 536.010(4), RSMo Supp. 2009.

³ Sections 536.060, RSMo 2000.

⁴ *Id.* and 4 CSR 240-2.115.

4 CSR 240-2.090. The Commission's regulations⁵ require the filing of an answer not later than December 9, 2010.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the filing date set forth in this order.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 9th day of November 2010.

Jordan, Senior Regulatory Law Judge

⁵ 4 CSR 240-2.070(7) and (8).