

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 CANCELING PROCEDURAL CONFERENCE AND ADOPTING
PROCEDURAL SCHEDULE WITH MODIFICATIONS

Issue Date: February 6, 2006

Effective Date: February 6, 2006

On February 2, 2006, the Staff of the Missouri Public Service Commission on behalf of all the parties filed a proposed procedural schedule and a motion to cancel the prehearing conference set for February 7, 2006. Since the proposed procedural schedule has been filed and there are no further outstanding issues to be discussed at the conference, the Commission shall cancel the conference.

The Commission has also reviewed the proposed procedural schedule and finds it to be appropriate with the exception that the parties shall file pretrial briefs in lieu of position statements. 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 prefilings 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 pre-filing 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) Any objection to the prefiled testimony that can be made prior to the hearing shall be made as directed below.

(C) 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.

(D) 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.

(E) 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.

(F) 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 be 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.

(G) 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.

(H) 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.

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

(J) In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

IT IS ORDERED THAT:

1. The Motion to Cancel Prehearing Conference is granted.
2. The prehearing conference set for February 7, 2006, is canceled.

3. The procedural schedule is adopted as follows:

Direct Testimony	February 13, 2006
Rebuttal Testimony	April 13, 2006
Surrebuttal Testimony	May 16, 2006
Issues List, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements	May 22, 2006
Pretrial Briefs	May 24, 2006
Evidentiary Hearing	May 31-June 2, 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.

4. 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.

5. The parties are directed to comply with the conditions set out in this order.

6. This order shall become effective on February 6, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 6th day of February, 2006.