

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In The Matter of The Joint Application of)
CIMCO Communications, Inc. and)
Comcast Phone of Missouri, LLC for)
Authority to Transfer Customer Base and)
Motion for Expedited Treatment)

File No. TO-2010-0117

ORDER DIRECTING STAFF TO FILE RECOMMENDATION

Issue Date: November 2, 2009

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The Missouri Public Service Commission is directing its staff ("Staff") to file a recommendation on the application no later than November 5, 2009, an expedited date, for the following reasons.

On October 14, 2009, CIMCO Communications, Inc. ("CIMCO"), and Comcast Phone of Missouri, LLC ("Comcast"), filed the application described in the caption of this order. With the application, CIMCO and Comcast ("applicants") included a motion for expedited treatment ("motion") seeking a decision no later than December 1, 2009. Staff filed a response to the motion on October 29, 2009.

With the application, applicants also filed a tariff. But, due to the limitations of the Commission's electronic filing and information system, the Commission received no notice of the tariff until October 15, 2009. Therefore, on October 14, 2009, the Commission issued an order setting deadlines for motions to intervene and responses to the motion ("the order") based the deadlines on the date set forth in the motion: December 1, 2009.

On October 20, 2009, applicants filed a substitute tariff bearing an effective date of November 19, 2009, which satisfies the 30-day period required by statute.¹ But that effective date is sooner than the expedited treatment sought in—and thus renders moot—the motion. It also conflicts with the deadlines set in the order.

Further, the Commission has moved its Wednesday, November 18, 2009, agenda to Thursday, November 19, 2009. By that time, the tariff will have taken effect by operation of law. The Commission is reluctant to allow the tariff to become effective without a recommendation and decision on the application.

The last agenda before the tariff's effective date is Thursday, November 12, 2009, for which items will likely be due on Monday, November 9, 2009. Before that agenda, the last business day for the Commission to review the recommendation and draft an order is Friday, November 6, 2009. Also, Staff's response to the motion states that it is prepared to make a recommendation on the application.

Therefore, Thursday, November 5, 2009, will be the deadline for Staff's recommendation.²

THE COMMISSION ORDERS THAT:

1. No later than November 5, 2009, the Commission's staff shall file its recommendation on the application.

¹ Section 393.140(11), RSMo Supp. 2008.

² Other alternatives to address the reduced time for deciding the application include the filing of a substitute tariff bearing an effective date of December 1, 2009, or suspending the tariff under Section 393.150.1, RSMo 2000.

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)

A handwritten signature in black ink, appearing to read 'S. C. Reed', is written over a faint, circular embossed seal.

Steven C. Reed
Secretary

Daniel Jordan, Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of November, 2008.