

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY**

**September 18, 1997**

**CASE NO: TO-98-49**

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**Room 630, St. Louis, MO 63101-1976**

**Enclosed find certified copy of ORDER in the above-numbered case(s).**

**Sincerely,**



**Cecil I. Wright  
Executive Secretary**

**Uncertified Copy:**

**Stephen F. Morris, 701 Brazos, Suite 600, Austin, TX 78701**

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 18th  
day of September, 1997.

In the Matter of the Application of the )  
Mid-Missouri Group and the Small Telephone Company )  
Group of Incumbent Local Exchange Companies for )  
Designation as Telecommunications Company Carriers ) Case No. TO-98-49  
Eligible for Federal Universal Service Support )  
Pursuant to Section 254 of the Telecommunications )  
Act of 1996. )  
)

**ORDER GRANTING INTERVENTIONS, SETTING EARLY PREHEARING CONFERENCE,  
AND GIVING NOTICE OF APPEARANCES PRO HAC VICE**

The Mid-Missouri Group (Mid-Mo) and the Small Telephone Company Group (STCG), collectively referred to as "Applicants," jointly filed on August 1, 1997, an Application for Designation as Eligible Carriers Pursuant to § 254 of the Telecommunications Act of 1996. The Applicants asked the Commission to designate each of the members of Mid-Mo and STCG, all of whom are incumbent local exchange carriers, as telecommunications carriers eligible to receive federal universal service support under 47 C.F.R. § 54.201(d). The Commission issued an Order and Notice on August 8, directing parties wishing to intervene to do so by September 8.

United Telephone Company of Missouri d/b/a Sprint (Sprint-United) filed an application to intervene on August 28, stating that Sprint-United has a direct interest in this case different from that of the general public because Sprint-United may be a provider of service to recipients from the fund and Sprint-United customers will be payers into the fund.

Sprint-United also stated that its expertise in the telecommunications industry will be an aid to the Commission.

MCI Telecommunications Corporation (MCI) and MCImetro Access Transmission Services, Inc. (MCImetro) filed a joint application to intervene on September 2, stating that they have an interest different from that of the general public because the Commission's decision may affect their interests as purchasers of access services, and as providers and potential providers of telecommunications interexchange services. MCI and MCImetro also touted their expertise in the industry as well as their interest in enhancing competition.

GTE Midwest Incorporated (GTE) filed an application to participate without intervention on September 3 stating that, as a local exchange carrier, GTE has an interest in any decision by the Commission with regard to federal universal service support and that its interest is different from that of the general public.

Southwestern Bell Telephone Company (SWBT) filed an application to intervene on September 5, stating that it has a direct interest in the Commission's decision on whether the applicants are designated eligible carriers for federal universal service support, and in the process the Commission uses in determining carrier eligibility. SWBT stated that its interest is different from that of the general public.

MMG filed a response to the applications to intervene filed by Sprint-United, MCI, and MCImetro on September 3, stating that the applications are insufficient because neither party stated whether they support or oppose the relief sought as required by 4 CSR 240-2.075. Apparently in response to this pleading MCI and MCImetro filed an amended application to intervene on September 8 stating that they neither support nor oppose the

application. Rather, both intervenors seek additional information in order to determine what their position will be.

MMG filed a Motion for Early Prehearing Conference on September 10. MMG stated that the applicants' intention was to avoid the necessity of a formal hearing but, due to the number of potential intervenors, there is a concern that the procedural schedule could be delayed. The applicants have requested a decision by December 31. Accordingly, MMG requested the Commission to set the case for an early prehearing conference in order to determine what issues, if any, are in dispute. MMG stated that counsel for all attorneys of record had been contacted and there were no objections raised to the scheduling of an early prehearing conference. STCG filed a letter with the Commission on September 12 stating its concurrence in the request for an early prehearing conference.

The Commission has reviewed the pleadings described above and finds that an early prehearing conference should be scheduled. Given the fact that an early decision is essential to the applicants, each potential intervenor or participant should be prepared to explain on the record what issues are in dispute, and what position it intends to take regarding the applicants' request for eligibility. Any requests for hearing shall be made at the prehearing conference. The Commission will also give notice by this order that the following attorneys have complied with 4 CSR 240-040(6) and will be appearing pro hac vice: Julie Thomas Bowles and Stephen F. Morris.

**IT IS THEREFORE ORDERED:**

1. That the Commission will conduct an early prehearing conference will be on Wednesday, October 1, 1997, at 10:00 a.m. at the

Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

2. That the following parties are granted intervention in this case in accordance with 4 CSR 240-2.075:

United Telephone Company of Missouri d/b/a Sprint  
MCI Telecommunications Corporation  
MCImetro Access Transmission Services, Inc.  
Southwestern Bell Telephone Company

3. That GTE Midwest Incorporated is granted participation without intervention in this case in accordance with 4 CSR 240-2.075(5).

4. That Julie Thomas Bowles and Stephen F. Morris have complied with 4 CSR 240-040(6) and will be appearing pro hac vice.

5. That anyone wishing to attend the prehearing conference who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing or hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

6. That the Commission will expect the parties to address at the prehearing conference what issues are in dispute, what positions the parties expect to take regarding the applicants' request for eligibility, and whether any party is requesting an evidentiary hearing.

7. That this order shall become effective on September 18, 1997.

BY THE COMMISSION



Cecil I. Wright  
Executive Secretary

( S E A L )

Lumpe, Ch., Crumpton,  
Drainer and Murray, CC.,  
concur.

ALJ: Wickliffe

ALJ/Sec'y: Wickliff / Pope  
9-16 TO-98-49  
Date Circulated CASE NO.

Zobrist, Chairman  
Crumpton, Commissioner  
Murray, Commissioner  
Lumpe, Commissioner  
Dra'ner, Vice-Chair

9-18-97  
Agenda Date

Action taken: 4-0 AS

Must Vote Not Later Than \_\_\_\_\_

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 18 day of September, 1997.

Cecil I. Wright  
Cecil I. Wright  
Executive Secretary