

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Southwestern Bell Telephone Company d/b/a )  
AT&T Missouri's Petition for Compulsory Arbitration of )  
Unresolved Issues for an Interconnection Agreement with )  
Global Crossing Local Services, Inc. and )  
Global Crossing Telemanagement Inc. )

**File No. IO-2011-0057**

**ORDER DIRECTING FILINGS AND  
SUPPLEMENTAL NOTICE OF ARBITRATOR'S ADVISORY STAFF**

Issue Date: September 9, 2010

Effective Date: September 9, 2010

The arbitrator is ordering a joint proposed procedural schedule, and ordering a pleading as to other matters, and notifying the parties of an additional appointment to the arbitrator's advisory staff.

A. Proposed Procedural Schedule

This action is subject to deadlines set by United States statute<sup>1</sup> and Commission regulation.<sup>2</sup> The regulation provides limited discretion as to the regulation's deadlines but no others:

Because of the short time frame mandated by the Act, the arbitrator shall have flexibility to set out procedures that may vary from those set out in this rule; however, the arbitrator's procedures must substantially comply with the procedures listed herein. The arbitrator may vary from the schedule in this rule as long as the arbitrator complies with the deadlines contained in the Act. [<sup>3</sup>]

Such variance from that regulation's schedule was among the subjects discussed at the initial arbitrational meeting.

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<sup>1</sup> 47 USC Section 252.

<sup>2</sup> 4 CSR 240-36.040.

<sup>3</sup> 4 CSR 240-36.040(15).

Pursuant to that meeting, the parties shall jointly file a proposed procedural schedule. The proposed procedural schedule shall set forth the last date for:

- Filing the responsive pleading;
- Filing the revised statement of unresolved issues;
- Filing pre-filed testimony, both direct and rebuttal;
- Filing dispositive motions;
- Serving discovery, which shall allow responses to discovery no later than the day before the evidentiary hearing;
- Serving responses to discovery, which shall be the day before hearing;
- Submitting final offers;
- Issuing no decision pending final post-offer negotiations; and
- Submitting subsequent final offers.

Also, the proposed procedural schedule shall propose dates for at least one mark-up conference, and a range of dates for a one-day evidentiary hearing. Further, the parties may propose such other dates as they believe will be helpful.

The arbitrator reminds the parties that the Commission's decision must stand on conclusions of law, which must apply the law's standard to findings of fact, which must have their basis in evidence of record. Though the parties may stipulate to the admissibility of evidence, and waive hearing, determining any genuinely disputed material fact without a hearing is unlikely. That is because affidavits, pre-filed testimony, and other documents are doubtful bases on which to assess witness credibility. Also, the arbitrator's advisory staff, the arbitrator, or a commissioner—any or all of them—may require clarification of any matter, even if stipulated in such documents, necessitating an evidentiary hearing.

### B. Other Matters

The parties shall also plead the:

- Legal standard against which to measure the parties' positions; and
- Burden of proof, as to which party has that burden and what quantum of proof is required to carry it.

Such pleading shall include supporting authority and may be joint or separate.

### C. Additional Appointment to Arbitrator's Advisory Staff

In addition to persons already named, the arbitrator has appointed the following Commission employee to the arbitrator's advisory staff: Dana Parish.

### **THE COMMISSION ORDERS THAT:**

1. The joint proposed procedural schedule described in part A of this order shall be filed no later than September 13, 2010.
2. The pleading described in part B of this order shall be filed on the same date as the revised statement of unresolved issues.
3. This order is effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 9<sup>th</sup> day of September 2010.