

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

**August 17, 2000**

**CASE NO: TC-2000-225**

**Office of the Public Counsel**

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Jefferson City, MO 65102

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Network Comm., Inc.  
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**General Counsel**

Missouri Public Service Commission  
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Escobedo, Esq.**

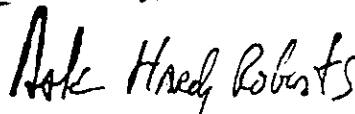
MCI WorldCom Communications, Inc.  
701 Brazos, Suite 600  
Austin, TX 78701

**Jim Levin, Director**

Center For Dispute Resolution  
206 Hulston Hall  
Columbia, MO 65211

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

Sincerely,



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

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

MCI WorldCom Communications, Inc., Brooks	)	
Fiber Communications of Missouri, Inc.,	)	
and BroadSpan Communications, Inc., d/b/a	)	
Primary Network Communications, Inc.,	)	
	)	
Complainants,	)	
	)	
v.	)	<b><u>Case No. TC-2000-225</u></b>
	)	
Southwestern Bell Telephone Company,	)	
	)	
Respondent.	)	

**NOTICE REGARDING HEARING**

Pending herein are Southwestern Bell Telephone Company's Motion for Sanctions and Motion to Establish Supplemental Hearing Date. The parties are hereby put on notice that the latter motion shall be taken up by the presiding officer as a preliminary matter prior to the hearing in this matter on August 23, 2000; and that the former motion shall be heard by the Commission as the first item of business at the evidentiary hearing. The burden of Movant Southwestern Bell Telephone Company (SWBT) on its Motion for Sanctions is to show (1) that the Complainants have violated the Commission's order, and (2) that SWBT was thereby prejudiced. Prejudice in this instance is measured by the actual impact of the discovery abuse upon SWBT's ability to defend itself before the Commission against the complaints. This issue necessarily looks to the limits of the Commission's jurisdiction.

Additionally, the parties shall take notice that, even if SWBT shows that sanctions do lie in this case, the Commission must determine what sanction is appropriate in the circumstances. See St. ex rel.

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Arkansas Power & Light Co. v. Missouri Public Service Com'n, 736 S.W.2d 457, 461 (Mo. App., W.D. 1987) (held that, in imposing discovery sanctions, the Commission must take care that the "punishment fits the crime"). Therefore, the parties shall be prepared to offer oral argument to the Commission on the issue of what sanction is appropriate.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Dated at Jefferson City, Missouri,  
on this 17th day of August, 2000.

Thompson, Deputy Chief Regulatory Law Judge

FYI: To Be Issued By Delegation

ALJ/Sec'y: Thompson

8-17-00

8-17-00

Date Circulated

Return by 3 p.m.

or sooner if

possible

CASE NO. TC-00-225

[Signature]  
Lampe, Chair

[Signature]  
Drainer, Vice Chair

[Signature]  
Murray, Commissioner

[Signature]  
Schemenauer, Commissioner

[Signature]  
Simmons, Commissioner

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 17<sup>th</sup> day of Aug. 2000.

Dale Hardy Roberts  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

