

**SERVICE LIST FOR
CASE NO: TW-97-333**

Office of the Public Counsel

P.O. Box 7800
Jefferson City, MO 65102

General Counsel

Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

W.R. England, Sondra B. Morgan

Brydon, Swearingen & England
312 E. Capitol Ave., P.O. Box 456
Jefferson City, MO 5102-0456

James C. Stroo, Associate General Counsel

GTE Telephone Operations
1000 GTE Dr., P.O. Box 307
Wentzville, MO 63385

Craig S. Johnson

Andereck, Evans, Milne, Peace & Baumhoer
305 E. McCarty St., Third Floor
Hawthorn Center, P.O. Box 1438
Jefferson City, MO 65102

Linda K. Gardner

United Telephone Company of Missouri
5454 W. 110th St.
Overland Park, KS 66211

Julie Grimaldi, Julie Bowles

Sprint Communications Company
8140 Ward Parkway
Kansas City, MO 64114

Paul G. Lane, Diana J. Harter

Leo J. Bub, Anthony K. Conroy
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101

Stephen Morris

MCI Telecommunications Corporation
701 Brazos, Suite 600
Austin, Texas 78701

Paul H. Gardner

Goller, Gardner & Feather
Professional Corporation, 131 E. High St.
Jefferson City, MO 65101

Mark W. Comley

Newman, Comley & Ruth
205 E. Capitol Ave., P.O. Box 537
Jefferson City, MO 65102-0537

Paul S. DeFord

Lathrop & Gage, L.C.
2345 Grand Blvd.
Kansas City, MO 64108

Larry R. Lovett

AT&T
101 W. McCarty, Suite 216
Jefferson City, MO 65101

Mark Harper

United Telephone Company of Missouri
5454 W. 110th St.
Overland Park, KS 66211

Doug Trabaris, Madelon Kuchera

Elizabeth Howland
Teleport Communications Group
233 S. Wacker Dr., Suite 2100
Chicago, IL 60606

Michael J. Ensrud

Competitive Telephone Association of Missouri
6950 W. 56th St.
Mission, KS 66202

Ronald Molteni

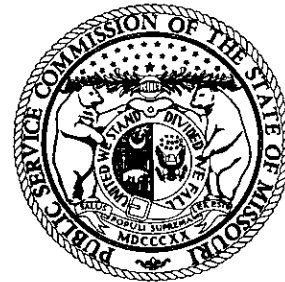
Assistant Attorney General
221 W. High St., P.O. Box 899
Jefferson City, 65102

Notice of *Ex Parte* Contact

TO: Records Department: All Parties in Case No. TW-97-333
All Commissioners

FROM: Chairman Sheila Lumpe

DATE: February 2, 1998



On **February 2, 1998**, I received the attached document from **Jerry Yates**. The Commission is currently considering the same issues as to those set out in this document in Case No. **TW-97-333**. The Commission is bound by the same *ex parte* rule as a court of law.

Pursuant to 4 CSR 240-4.020(4) it is improper for any person to attempt to sway the judgement of the Commission by undertaking, directly or indirectly, outside the hearing process, to bring pressure or influence to bear upon the Commission, or the Regulatory Law Judge assigned to the proceeding.

Whenever such contact might occur 4 CSR 240-4.020(a) states: as *ex parte* communications (either oral or written) may occur inadvertently, any member of the Commission or Regulatory Law Judge who received the communication shall immediately prepare a written report concerning the communication and submit it to the Chair and each member of the Commission. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, out of an abundance of caution, I think it appropriate to submit this notice of *ex parte* contact pursuant to the standards set out in the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
573-526-5695 (TT)
<http://www.ecodev.state.mo.us/psc/>

CECIL I. WRIGHT
Executive Director

WESS A. HENDERSON
Director, Utility Operations

GORDON L. PERSINGER
Director, Advisory & Public Affairs

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

February 2, 1998

Jerry Yates
P.O. Box 38
Bernie, MO 63822

Dear Mr. Yates:

The Commission appreciates knowing your opinion.

This case is an open case, so I cannot comment on it. Your letter will be shared with all the Commissioners and be placed in the official file so all the parties can view it.

Thank you for taking the time to write.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Lumpe".

Sheila Lumpe

cc: Commissioners

January 15, 1998

Chairman Sheila Lumpe
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

RECEIVED

FEB 2 1998

RE: Elimination of COS to Bernie subscribers

CHAIRMAN'S OFFICE

Dear Madam Chairman,

I was recently informed, along with the other customers of the BPS telephone system in Bernie Missouri, that the PSC has ruled to eliminate our Community Optional Service because it is "scarcely used". This notice is enclosed for your information. I would like to know how this program became the discussion of the PSC and who petitioned for it's elimination.

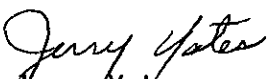
This ruling is disturbing for several reasons. One of which is the fact that we have no exchange in Bernie, there is no other community that we can call without incurring a toll charge. We are a very small community and many of us work and conduct business in the surrounding communities, of which Dexter is the largest. The program's elimination is going to create a hardship on us.

Additionally, I find it hard to believe that the Commission could make the determination that this is a "scarcely used" program without even consulting the subscribers of the program. The first indication that there was any consideration on the Commission's part regarding this program was when we were informed that it was being eliminated. I was not contacted as to my use of the program and neither was anyone else in the community to whom I have talked, and this has been a lively topic recently. It seems that the Commission would have consulted us regarding the possible elimination of the program since we are the group that will be mostly effected. I find it disturbing that we were informed only after the Commission had ruled on the issue and were not allowed to be party to any research or investigations as to the viability of the program.

I want to go on record to state that I strongly protest the elimination of the COS program to Bernie subscribers. As a small community, it is many times a struggle for us to receive quality service and we have few options as to the vendors offering their services to us. This COS program is very beneficial to Bernie subscribers, both private and business. The elimination of the program will create a great hardship on us as individuals and also to our business community, which in turn will adversely effect the individuals in the community.

As indicated below, I am sending a copy of this correspondence to the Office of Public Counsel. I ask that you reconsider your ruling.

Sincerely,


Jerry Yates
P.O. Box 38
Bernie, MO 63822

Enc.

copy: Martha Hogerty ✓
Office of Public Counsel
Missouri Public Service Commission
P.O. Box 7800
Jefferson City, MO 65105

" CUSTOMER NOTICE "

On October 17, 1997, the Missouri Public Service Commission issued an order to eliminate community optional service (COS). As you know this service allows the Bernie subscribers to make unlimited calls to the Dexter, Bloomfield and Essex area for a flat monthly rate. This two way plan also allows the Dexter customer to place unlimited calls to the Bernie customer subscribed to COS. BPS filed testimony requesting that COS be left as it is today, however the Mo PSC ruled that the "scarcely used extra-exchange calling program (COS) should cease to exist after March 31, 1998".

If you are interested in contacting the commission regarding this decision, you may do so by writing to the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. You may also reach them by phone by calling 1-800-392-4211.

**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 3rd day of February, 1998.



Dale Hardy Roberts

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