

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 20, 2000**

CASE NO: TC-2000-225

Office of the Public Counsel

P.O. Box 7800
Jefferson City, MO 65102

Anthony K. Conroy, Legal Department

Southwestern Bell Telephone Company
One Bell Center Room 3516
St Louis, MO 63101

Carl J. Lumley/Leland B. Curtis

Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105

General Counsel

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

Stephen Morris, Esq./Patricia Ana Garcia

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 an ORDER 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.)	<u>Case No. TC-2000-225</u>
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	

ORDER ADOPTING PROCEDURAL SCHEDULE
AND DIRECTING MEDIATION

On January 7, 2000, a prehearing conference was held in this matter. Thereafter, on January 13, 2000, Complainants, on behalf of all the parties, filed a proposed procedural schedule. The Commission has reviewed the proposed schedule and finds it, with two exceptions, appropriate for this case. It is not the Commission's practice to conduct prehearing conferences by conference call and the Commission will not do so in this case. Of course, the parties are free to confer among themselves by telephone at any time. Likewise, the parties did not propose a date by which to file a List of Witnesses, Order of Presentation of Witnesses, and Order of Cross-Examination. Therefore, the Commission adopts the proposed schedule as modified and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall establish the order of cross examination and file a joint pleading indicating the same.

(D) Each party shall file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one. The position statement shall be filed in both paper form and electronically, either on computer disk or by e-mail. Electronically-submitted documents shall be

in Word, Word Perfect, or ASCII format. The Regulatory Law Judge's e-mail address is: ktomp099@mail.state.mo.us.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the Regulatory Law Judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission. Each principal brief shall not exceed 30 pages in length; reply briefs shall not exceed 15 pages in length. The presiding officer will establish a briefing schedule at the close of the hearing.

(G) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

As a component of the procedural schedule, the parties have agreed to pursue mediation. The Commission directs the parties to cooperate with one another and the mediator during the mediation process.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted for this case:

Mediation to conclude by	February 28, 2000
Complainants' Direct Testimony	May 1, 2000 3:00 p.m.
SWBT's Rebuttal Testimony	May 29, 2000 3:00 p.m.
Complainants' Surrebuttal Testimony	June 26, 2000 3:00 p.m.
Prehearing Conference (at Jefferson City)	July 6, 2000 10:00 a.m.
List of Issues	July 10, 2000 3:00 p.m.
Position Statements of All Parties	July 14, 2000 3:00 p.m.
List and Order of Witnesses Order of Cross-Examination	July 14, 2000 3:00 p.m.
Evidentiary Hearing	July 19-21, 2000 9:00 a.m.

The hearing and prehearing conference will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing or prehearing conference at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

2. That the parties shall promptly contact the Alternative Dispute Resolution Center at the Law School of the University of Missouri-

Columbia and initiate the mediation process. the parties to cooperate with one another and the mediator during the mediation process.

3. That this order shall become effective on February 1, 2000.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Dale Hardy Roberts".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 20th day of January, 2000.

**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 20TH day of January 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

