

Notice of *Ex Parte* Contact

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TO: Records Department:

All Parties in Cases No. TO-99-254 and TO-99-615 as well as, possibly, TO-99-496, TO-99-497, TO-99-498, TO-99-499, TO-99-500, TO-99-501, TO-99-502, TO-99-503, TO-99-504, TO-99-505, TO-99-506, TO-99-507, TO-99-508, TO-99-509, TO-99-510, TO-99-511, TO-99-512, TO-99-513, TO-99-514, TO-99-515, TO-99-516, TO-99-517, TO-99-518, TO-99-519, TO-99-520, TO-99-521, TO-99-522, TO-99-523, TO-99-524, TO-99-525, TO-99-526, TO-99-527, TO-99-528, TO-99-529, TO-99-530, TO-99-531, TO-99-535

All Commissioners



FROM: Dale Hardy Roberts, Chief Regulatory Law Judge
Secretary of the Commission

A handwritten signature in dark ink, appearing to be "DHR", is written over the printed name of Dale Hardy Roberts.

DATE: July 8, 1999

On July 7, 1999 the attached electronic mail message was sent to all nine of the Regulatory Law Judges of the Public Service Commission. The Commission is currently considering the same issues as to those set out in this document in the cases listed above. In these matters 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 judgment 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 each of these cases 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

Roberts, Dale

From: Baker, Penny

Sent: Wednesday, July 07, 1999 4:58 PM

To: Hoerschgen, Janet; Krueger, Keith; VanEschen, John; Kuss, Arthur

Cc: Judges

Subject: RE: TO-99-254

FYI--

In addition, Craig Johnson's clients are having many difficulties with AT&T refusing to accept customers (even though the Commission approved language on their customer notice indicated they would). Also be aware of TO-99-615 where AT&T has requested that the Commission eliminate its carrier of last resort obligation for interLATA traffic based upon the Commission's decision in TO-99-254.

pgb.

-----Original Message-----

From: Hoerschgen, Janet

Sent: Wednesday, July 07, 1999 11:12 AM

To: Krueger, Keith; Baker, Penny; VanEschen, John; Kuss, Arthur

Subject: TO-99-254

Importance: High

It appears we may have a major problem with ATT in the rural areas. This morning, we received approximately 4 customer calls on our hotline from subscribers of North East Mo. Rural Telephone Co. who claimed that North East told them to call here because ATT will not accept their request for service. I called Gary Godfrey and he stated that they were referring their customers to the PSC because they did not know what else to do. It appears ATT did not want to be on the list of carriers to choose from, but individuals could call ATT directly to request intralata service. Now ATT is refusing to provide intralata service and has also notified the independent companies, by letter dated July 6, 1999, that it will no longer provide interlata service. Mr. Godfrey indicated that hundreds of subscribers have already chosen ATT and he doesn't know what to do. ATT reps. are also confused providing callers with different stories such as ATT would love to serve rural Missouri but the independents won't let them. ATT reps. are taking some orders for service so there appears to be no consistency. Mr. Godfrey mentioned that he spoke with Randy Boyd with Kingdom Telephone and their customers are encountering the same problems with ATT. Mr. Godfrey is going to be providing me a copy of the notice sent to its customers, a copy of the letter received from ATT yesterday, and a copy of the letter he sent to Chair Lumpe yesterday. Nobody seems to know what to do and the customers are simply getting nothing but the run-around. We certainly had no notice that this was happening and I suggested Mr. Godfrey contact us in the future instead of referring his customers to our 800 line. Until I called Mr. Godfrey, we were providing his customers ATT's 800 number. I will provide copies of the letters as soon as I receive them by fax.

RECEIVED
JUL 12 1999
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION