

11.

Case No. TC-2000-325

NOTICE OF COMPLAINT

Craig S. Johnson
Attorney for Mid-Missouri Telephone Company
Andereck, Evans, Milne, Peace, and Baumhoer
301 East McCarty Street
Jefferson City, Missouri 65101

CERTIFIED MAIL

On November 10, 1999, Southwestern Bell Telephone Company filed a complaint with the Missouri Public Service Commission against Mid-Missouri Telephone Company, a copy of which is enclosed. Pursuant to 4 CSR 240-2.070, Respondent Mid-Missouri Telephone Company shall have **30 days** from the date of this notice to file an answer or to file notice that the complaint has been satisfied.

In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for **voluntary mediation** of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not the Complainant is also willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer shall be due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed.

If the Complainant declines the opportunity to seek mediation, the Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

A copy shall be served upon the Complainant at the Complainant's address as listed within the enclosed complaint. A copy of this notice has been mailed to the Complainant.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 22nd day of November, 1999.

Copy to: Legal Department
Southwestern Bell Telephone Company
One Bell Center
St. Louis, Missouri 63101

Mills, Deputy Chief Regulatory Law Judge

FILED²

NOV 10 1999

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Southwestern Bell Telephone Company's)
Complaint Against Mid-Missouri)
Telephone Company for Blocking)
Southwestern Bell's 800 MaxiMizer Traffic)
and Request for an Order Requiring)
Mid-Missouri to Restore the Connection.)

Case No. TC-2000-325

COMPLAINT

Southwestern Bell Telephone Company, pursuant to 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Mid-Missouri Telephone Company for violating a Commission Order by blocking Southwestern Bell's 800 MaxiMizer Traffic and respectfully requests the Commission issue an order requiring Mid-Missouri to restore the connection. In support of its Complaint, Southwestern Bell states:

1. Southwestern Bell is a Missouri Corporation duly authorized to conduct business in Missouri with its principal Missouri office at One Bell Center, St. Louis, Missouri, 63101. Southwestern Bell is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in §386.020 RSMo (1994).

2. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Paul G. Lane
Leo J. Bub
Anthony K. Conroy
Katherine C. Swaller
Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri, 63101

3. Mid-Missouri is a Missouri corporation authorized to transact business within the State of Missouri with its principal office at P.O. Box 38, Pilot Grove, Missouri, 65276. Mid-Missouri is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in §386.020 RSMo (1994).

4. In its Report and Order terminating the PTC Plan, the Commission denied the request made by Mid-Missouri and a small number of other secondary carriers that all intrastate intraLATA toll traffic being transported in Missouri over Feature Group C (FGC) facilities be converted to Feature Group D (FGD). See, In the Matter of an Investigation Concerning the Primary Toll Carrier Plan and IntraLATA Presubscription, Case No. TO-99-254, et al., Report and Order, issued June 10, 1999, at pp. 7-8.

5. On October 26, 1999, Mid-Missouri contacted Southwestern Bell to ask what Mid-Missouri should tell customers in its exchanges when their calls to Southwestern Bell's 800 MaxiMizer customers no longer go through. Apparently, without notice to Southwestern Bell or to any end user customer, Mid-Missouri had changed the translations in its switches to block the completion of such calls. Southwestern Bell verified by test calls placed on November 2, 1999 that such calls are being blocked by Mid-Missouri.

6. 800 MaxiMizer service is an intraLATA toll service with reverse billing offered by Southwestern Bell to its customers in its service area. It allows end users throughout an 800 MaxiMizer subscriber's LATA (including end users of an independent telephone company, like Mid-Missouri) to call that subscriber without incurring toll charges. Such charges are instead paid by the 800 MaxiMizer subscriber who receives the call.

7. Southwestern Bell has offered 800 MaxiMizer service to its customers since November 1990. Mid-Missouri has processed calls from its customers to SWBT's 800 MaxiMizer customers since the service was first made available. Mid-Missouri's unilateral decision to block calls to SWBT's 800 MaxiMizer customers is apparently based on Mid-Missouri's desire to force SWBT to utilize FGD connections to receive such calls. Presently, calls placed by nearly every independent telephone company customer in Missouri to Southwestern Bell 800 MaxiMizer subscribers are handled over the LEC-to-LEC FGC network. The only exception is the Mid-Missouri Telephone exchanges where such calls are being blocked.

8. The Commission has jurisdiction under Section 386.250(2) (1998 Supp.) over Southwestern Bell's 800 MaxiMizer service and Mid-Missouri's intraLATA access service (through which this 800 service may be originated) as both are intrastate telecommunications services as defined by §386.020(53) and use telecommunications facilities as defined in §382.020(54).

9. On November 3, 1999 Southwestern Bell requested Mid-Missouri to restore Southwestern Bell's 800 MaxiMizer traffic and to route the calls over the existing FGC trunk groups (just like they previously had been) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Mid-Missouri, however, would not agree to this request and stated that it would not permit 800 calls to Southwestern Bell's 800 MaxiMizer customers to go through unless Southwestern Bell ordered FGD access service.

10. Southwestern Bell, through its attorney, wrote Mid-Missouri's attorney on November 4, 1999 expressing serious concern over Mid-Missouri's unilaterally cutting off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that Mid-Missouri would

restore the traffic. (A copy of this letter is appended to this complaint as Attachment 1.) Mid-Missouri has refused to reconsider the unilateral actions it has taken against Southwestern Bell's 800 MaxiMizer traffic. (A copy of Mid-Missouri's Response is appended as Attachment 2).

11. Currently, an industry technical committee composed of large and small LECs in Missouri is considering, among other issues, how this type of 800 traffic should be handled from a network perspective now that the PTC Plan has ended. Mid-Missouri has been participating in these meetings. No other LEC in Missouri has cut off this type of 800 traffic. Only one other LEC, Chariton Valley, threatened to cut off this traffic. But it has refrained from doing so to permit the industry group to work the issue.

12. Mid-Missouri's unilaterally cutting off Southwestern Bell's 800 MaxiMizer service in an attempt to force Southwestern Bell to move this traffic to FGD facilities is directly contrary to the Commission's Report and Order in Case No. TO-99-254, supra, in which the Commission refused to require the conversion to FGD.

13. There is no justification for Mid-Missouri to cut off Southwestern Bell's 800 MaxiMizer traffic. Even the hollow reasons Mid-Missouri (and a few others) asserted in Case No. TO-99-254 in an attempt to support moving to FGD are not present here. Unlike terminating FGC intraLATA toll traffic (e.g., PTC to SC), Mid-Missouri itself generates the underlying information used to bill access charges to Southwestern Bell on these calls. Mid-Missouri will not have to rely on the recordings made by another carrier since these 800 calls will originate in Mid-Missouri's territory and Mid-Missouri will be the one creating the originating records, just like it is doing today.

14. The specific facts set out in this Complaint are supported by the Affidavit of Joyce L. Dunlap, Area Manager-Industry Relations for Southwestern Bell Telephone Company

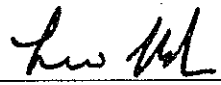
who is responsible for managing the relationship between Southwestern Bell and the various independent telephone companies throughout the State of Missouri (appended as Attachment 3).

WHEREFORE, Southwestern Bell respectfully requests the Commission expeditiously to issue an order (1) finding that Mid-Missouri's unilaterally blocking Southwestern Bell's 800 MaxiMizer traffic violates the Commission's June 10, 1999 Report and Order in Case No. TO-99-254, et al., and (2) requiring Mid-Missouri to restore Southwestern Bell's MaxiMizer traffic that, until recently, was being transported over FGC facilities.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY



PAUL G. LANE

#27011

LEO J. BUB

#34326

ANTHONY K. CONROY

#35199

KATHERINE C. SWALLER

#34271

Attorneys for Southwestern Bell Telephone Company

One Bell Center, Room 3518

St. Louis, Missouri 63101

314-235-2508 (Telephone)

314-247-0014 (Facsimile)

VERIFICATION

I hereby verify that the above facts are true to the best of my knowledge,
information and belief.

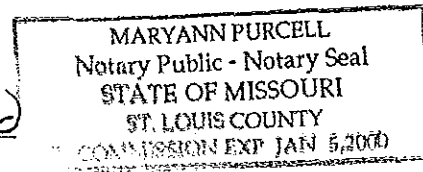
Joyce L. Dunlap
Joyce L. Dunlap
Area Manager-Industry Relations
Southwestern Bell Telephone Company

Subscribed and sworn to before me on this 9th day of November, 1999.

Maryann Purcell
Notary Public

My Commission Expires

January 5, 2000



Leo J. Bub
Attorney at Law

Southwestern Bell Telephone
One Bell Center
Room 5518
St. Louis, Missouri 63101
Phone 314 255-2508
Fax 314 247-0014

VIA FACSIMILE



November 4, 1999

Mr. Craig S. Johnson
Andereck, Evans, Milne,
Peace & Baumhoer
305 E. McCarty, Third Floor
P.O. Box 1438
Jefferson City, Missouri 65102

Dear Craig:

We have been advised by David Jones, Executive Vice President of Mid-Missouri Telephone Company, that it has unilaterally began blocking 800 calls from its exchanges to Southwestern Bell MaxiMizer 800 customers. Mr. Jones informed us that Mid-Missouri would only resume transporting these calls if Southwestern Bell ordered originating Feature Group (FG) D 800 trunks from it.

What Mid-Missouri has done is directly contrary to the Commission's decision in the PTC Plan case (TO-98-254) against requiring the conversion to FGD. Mid-Missouri's action is particularly inappropriate here since the hollow reasons it asserted during the PTC case for moving to FGD are not even present here. Unlike terminating FGC traffic (e.g., PTC to SC), Mid-Missouri will not have to rely on the records produced by another carrier since these 800 calls will originate in Mid-Missouri's territory and Mid-Missouri will be the one creating the originating records (just like it is doing today). And it is Mid-Missouri's record that forms the basis both for Southwestern Bell's billing to its 800 customers and Southwestern Bell's originating access payments to Mid-Missouri.

As Joyce Dunlap of our Company discussed with Mr. Jones, there is no need to change the existing network arrangements. The trunks already in place are two way and can technically handle our originating 800 traffic. Apparently, Mid-Missouri has simply disabled these calls from going through by changing the translations in its switch. If Mid-Missouri has a need to free up capacity on its network for other uses, we certainly would be willing to work with Mr. Jones as we have done with other former Secondary Carriers to achieve network efficiencies by rearranging the network in a mutually agreeable fashion. But unilaterally cutting off this traffic to force us to move to FGD facilities is inappropriate, especially since the industry technical group is considering this very issue.

We would respectfully request that you discuss with Mr. Jones the actions Mid-Missouri has taken and the impact of its apparent decision not to comply with the Commission's order. We would like Mid-Missouri's assurance by Friday, November 5, 1999 that it will restore Southwestern Bell's 800 traffic and refrain from taking any action against this traffic until the network issues relating to this traffic have been resolved either at the industry technical committee or by the Commission. If we do not receive these assurances by the end of day on Friday, we will file a complaint with the Commission for Mid-Missouri's inappropriate refusal to

Mr. Craig S. Johnson

November 4, 1999

Page 2

transport this 800 traffic and will seek to hold Mid-Missouri responsible for any damages caused by its refusal to comply with the Commission's order.

I trust that you appreciate the severity of this situation and are willing to help resolve it without Commission intervention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leo J. Bub". The signature is stylized with a large, looped "L" and a cursive "Bub".

Leo J. Bub

Attachment 2

ANDERECK, EVANS, MILNE, PEACE & BAUMHOER
ATTORNEYS AT LAW
305 EAST MCCARTY STREET

EUGENE E. ANDERECK
TERRY M. EVANS
ERWIN L. MILNE
JACK PEACE
PATRICK A. BAUMHOER
CRAIG S. JOHNSON
RODRIC A. WIDGER
GEORGE M. JOHNSON
BEVERLY J. FIGG
WILLIAM S. LEWIS

P.O. BOX 1438
JEFFERSON CITY, MISSOURI 65102-1438
TELEPHONE 573-634-3422
FAX 573-634-7822

VICTOR S. SCOTT
LESLIE A. RENFRO
COREY K. HERRON
MATTHEW M. KROHN
LANETTE R. GOOCH
TORI A. KOWALSKI
MARVIN L. SIARP
OF COUNSEL
GREGORY C. STOCKARD (1904-1993)
PHIL HAUCK (1924-1991)

November 9, 1999

VIA FAX
(314) 331-2193

Mr. Leo Bub
Southwestern Bell Telephone Co.
One Bell Center, Room 3518
St. Louis, Missouri 63101

Re: Your November 4 letter to Mid-Missouri/Maximizer 800

Dear Mr. Bub:

I have received your letter and forwarded it to Mid-Missouri. We disagree with your assertions.

SWB has terminated the availability of Maximizer 800 to Mid-Missouri subscribers. At the PTC Plan hearings in TO-99-254, SWB witnesses testified that, upon the October 20 termination of the PTC Plan in Mid-Missouri areas, SWB would originate no traffic in our exchanges. In response to OPC's clarification request, SWB affirmatively stated that, upon PTC Plan termination, SWB would provide no originating toll services in SC exchanges. The Commission Order of August 17 stated that, upon termination, PTCs would no longer provide any toll service in SC exchanges.

The PTC Plan is now terminated. The Commission's order prohibiting the conversion to FGD solely prohibited SCs from requiring FGD for termination of ILEC originated FGC traffic in SC exchanges. The Order did not allow SWB to continue to originate FGC traffic in Mid-Missouri exchanges.

It is not possible for Mid-Missouri to distinguish SWB 800 traffic from other ILEC 800 traffic. The mechanisms in place under the PTC Plan will no longer suffice. It would be inappropriate to allow SWB different treatment or preference over other IXC's.

SWB no longer has any independent authority to originate toll in Mid-Missouri exchanges. Mid-Missouri's access tariffs are the only authority to do so. If SWB now wishes to originate Maximizer 800 calls, according to Mid-Missouri's access tariffs it must submit an access service request, and it will be necessary to order FGD trunks as any other interexchange carrier must do. Upon SWB's compliance with Mid-Missouri's tariff, SWB can easily resume completion of the small amounts of traffic from Mid-Mo customers to SWB 800 subscribers.

STANTON OFFICE
204 AND WASHINGTON
P.O. BOX 547
JEFFERSON CITY, MISSOURI 64083-0547
PHONE 573-634-3422
FAX 573-634-7822

SPRINGFIELD OFFICE
1111 S. GLENSTONE
P.O. BOX 4929
SPRINGFIELD, MISSOURI 65806-4929
PHONE 417-864-6401
FAX 417-864-6401

PRINCETON OFFICE
207 NORTH WASHINGTON
PRINCETON, MISSOURI 64671
PHONE 781-3244
FAX 608-742-4403

SMITHVILLE OFFICE
119 N. MAIN STREET
P.O. BOX 654
SMITHVILLE, MISSOURI 64089
PHONE 816-512-3395
FAX 816-512-3399

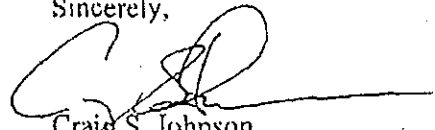
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page 2

Mid-Missouri is not in violation of any Order. The industry technical discussions were totally voluntary. Mid-Missouri never agreed to continue to allow SWB to continue to originate 800 calls in its exchanges using the mechanisms in place under the PTC Plan.

Sincerely,



Craig S. Johnson

cc: David Jones

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

Southwestern Bell Telephone Company's)
 Complaint Against Mid-Missouri)
 Telephone Company for Blocking) Case No. _____
 Southwestern Bell's 800 MaxiMizer Traffic)
 and Request for an Order Requiring)
 Mid-Missouri to Restore the Connection.)

AFFIDAVIT OF JOYCE L. DUNLAP

STATE OF MISSOURI)
) SS
 CITY OF ST. LOUIS)

Before me, the Undersigned Authority, on the 9th day of November, 1999, personally appeared Joyce L. Dunlap, Area Manager-Industry Relations for Southwestern Bell Telephone Company in Missouri, who, upon being by me duly sworn on oath depose and said the following:

1. My name is Joyce L. Dunlap. I am Area Manager-Industry Relations for Southwestern Bell Telephone Company. My address is One Bell Center, 36-L-04, St. Louis, Missouri 63101. I am responsible for managing the relationship between Southwestern Bell and the various independent telephone companies throughout the State of Missouri.
2. On October 26, 1999, I received a call from David Jones, Executive Vice President of Mid-Missouri Telephone Company, asking what Mid-Missouri should tell customers when their calls to a Southwestern Bell 800 MaxiMizer subscribers do not go through. It is my understanding that Mid-Missouri has made changes to its switch translations that prevent those calls from going through. On November 2, 1999, Southwestern Bell had some test calls placed from some of the Mid-Missouri Telephone exchanges to a Southwestern Bell 800 MaxiMizer number. Those calls did not go through. Instead, a recorded announcement was played that stated: "To complete this call you must dial an access code." These test calls confirm that Mid-Missouri is blocking calls to Southwestern Bell's 800 MaxiMizer customers.
3. 800 MaxiMizer service is a reverse billing service offered by Southwestern Bell which allows end users throughout the 800 MaxiMizer subscriber's LATA to call that subscriber without incurring toll charges. Such charges are instead paid by the 800 Maximizer subscriber who receives the call.
4. Presently, calls placed by nearly all independent telephone company customers throughout the State of Missouri to a Southwestern Bell 800 MaxiMizer subscriber are handled over the LEC-to-LEC Feature Group (FG) C network. The only exception to my knowledge is the Mid-Missouri Telephone exchanges where such calls are now being blocked.

5. I tried reaching Mr. Jones several times and finally spoke with him again on November 3, 1999. I asked him to restore the traffic and to route these 800 MaxiMizer calls over the existing FGC trunk groups (just like they had, until recently, been doing) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Mr. Jones told me that Mid-Missouri would not agree to this request. He told me that Mid-Missouri would not permit Southwestern Bell's 800 MaxiMizer calls to go through unless Southwestern Bell orders FGD access service from Mid-Missouri for the provision of this type of service.
6. Currently, an industry technical committee composed of large and small LECs in Missouri is considering how this type of 800 traffic should be handled from a network perspective once the PTC Plan is eliminated. Mid-Missouri has been participating in these meetings. To my knowledge, no other LEC in Missouri has cut off this type of 800 traffic. And only one other LEC, Chariton Valley, has made threats to take similar action. But to date, Chariton Valley has refrained from doing so to allow the industry to work the issue.
7. Southwestern Bell through its attorney, wrote Mid-Missouri on November 4, 1999 expressing serious concern that Mid-Missouri unilaterally cut off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that it would restore the connection. To my knowledge, Mid-Missouri has not reconsidered the actions it has taken and Southwestern Bell's 800 MaxiMizer traffic is still being blocked by Mid-Missouri.

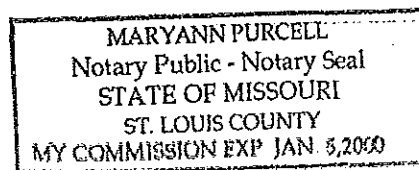
Further affiant sayeth not.

Joyce L. Dunlap
Joyce L. Dunlap, Area Manager-Industry Relations
Southwestern Bell Telephone Company

Subscribed and sworn to before me this 9th day of November, 1999.

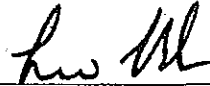
Maryann Purcell
Notary Public

My Commission Expires: January 5, 2000



CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by hand or fax, and first-class, postage prepaid, U.S. Mail this 10th day of November, 1999.



Leo J. Bub

DAN JOYCE
MISSOURI PUBLIC SERVICE
COMMISSION
301 W. HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65101

MICHAEL F. DANDINO
OFFICE OF THE PUBLIC COUNSEL
301 W. HIGH STREET, SUITE 250
JEFFERSON CITY, MO 65101

CRAIG S. JOHNSON
ANDERECK, EVANS, MILNE, PEACE,
BAUMHOER
301 E. MCCARTY STREET
P.O. BOX 1438
JEFFERSON CITY, MO 65102



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

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)
<http://www.ecodev.state.mo.us/psc/>

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

Date: January 25, 1999

RECEIVED
NOV 23 1999
Dale Hardy Roberts

Dale Hardy Roberts
Secretary of the Commission
MISSOURI PUBLIC SERVICE COMMISSION