

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 3, 2000**

CASE NO: TC-2000-402

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

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

Chariton Valley Telephone Corporation
P. O. Box 470
Bucklin, MO 64631

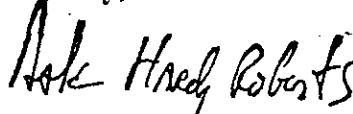
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Jim Levin, Director
Center for Dispute Resolution
206 Hulston Hall
Columbia, MO 65211

Craig S. Johnson
Andereck, Evans, Milne, Peace, Baumhoer
301 E. McCarty Street
Jefferson City, MO 65102

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**

Southwestern Bell Telephone Company,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2000-402</u>
)	
Chariton Valley Telephone Corporation,)	
)	
Respondent.)	

NOTICE OF COMPLAINT

Chariton Valley Telephone Corporation
P.O. Box 470
Bucklin, Missouri 64631
CERTIFIED MAIL

On December 30, 1999, Southwestern Bell Telephone Company (SWBT) filed a complaint with the Missouri Public Service Commission against Chariton Valley Telephone Corporation (Chariton Valley). A copy of that Complaint is enclosed. As provided in 4 CSR 240-2.070, Respondent, Chariton Valley, 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, Chariton Valley 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 determines whether or not SWBT is also willing to submit to voluntary mediation. If SWBT agrees to mediation, the time period within which an answer is due will be suspended while the mediation process proceeds. Additional information regarding the mediation process is enclosed.

If SWBT declines the opportunity to seek mediation, Chariton Valley 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:

2

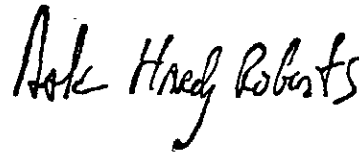
Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

A copy shall be served upon SWBT at:

Paul 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

A copy of this notice has been mailed to SWBT.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 3rd day of January, 2000.

Copy to: Southwestern Bell Telephone Company
Craig S. Johnson

Woodruff, Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

DEC 30 1999

Southwestern Bell Telephone Company's)
Complaint Against Chariton Valley)
Telephone Corporation and Request for an)
Order Prohibiting Chariton Valley from)
Cutting Off Southwestern Bell's 800)
MaxiMizer Traffic.)

Case No. TC - 2000-402

Missouri Public
Service Commission

COMPLAINT

Southwestern Bell Telephone Company, pursuant to 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Chariton Valley Telephone Corporation for violating a Commission Order and respectfully requests the Commission issue an order prohibiting Chariton Valley from cutting off Southwestern Bell's 800 MaxiMizer Traffic. 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. Chariton Valley is a Missouri corporation authorized to transact business within the State of Missouri with its principal office at P.O. Box 470, Bucklin, Missouri, 64631. Chariton Valley 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 a small number of secondary carriers that all intrastate intraLATA toll traffic being transported in Missouri over FGC facilities be converted to FGD. See, In the Matter of an Investigation Concerning the Primary Toll Carrier Plan and IntraLATA Presubscription, Case No. TO-98-254, et al, Report and Order, issued June 10, 1999, at pp. 7-8.

5. On August 11, 1999., Chariton Valley contacted Southwestern Bell and asked how Southwestern Bell wanted its 800 MaxiMizer calls routed since Chariton Valley had implemented intraLATA presubscription.

6. 800 MaxiMizer service is an intrastate, intraLATA toll service with reverse billing offered by Southwestern Bell. It allows end users throughout an 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. Until very recently, calls placed by Chariton Valley customers to a Southwestern Bell 800 MaxiMizer subscriber were handled over the LEC-to-LEC Feature Group (FG) C network.

7. The Commission has jurisdiction under Section 386.250(2) (1998 Supp.) over Southwestern Bell's 800 MaxiMizer service and Chariton Valley'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). In addition, the Commission has jurisdiction here under Section 392.240(3) RSMo (1994) which provides for the connection of communications facilities between carriers.

8. Southwestern Bell requested Chariton Valley continue to route Southwestern Bell's 800 MaxiMizer calls over the existing FGC trunk groups (just like it had previously been doing) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Chariton Valley, however, would not agree to this request and stated that unless Southwestern Bell orders FGD access service from Chariton Valley for provision of this type of service, Chariton Valley would, effective August 25, 1999, discontinue transporting Southwestern Bell's 800 MaxiMizer calls over the jointly provided FGC trunk group.

9. Southwestern Bell, through its attorney, wrote Chariton Valley's attorney on August 18, 1999 expressing concern over its plan to cut off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that Chariton Valley would refrain from taking this unilateral action. (A copy of this letter is appended to this complaint as Attachment 1.) In response Chariton Valley indicated that it would delay implementing its planned course of action until September 7, 1999. In December, 1999, Southwestern Bell learned that Chariton Valley had cut off all calls from its exchanges to Southwestern Bell's 800 MaxiMizer customers.

10. Currently, an industry technical committee composed of large and small LECs in Missouri is considering how a number of technical issues should be handled from a network perspective once the PTC Plan is eliminated. Southwestern Bell has raised this 800 issue for discussion. Through its representative, Chariton Valley has been participating in these meetings.

11. Chariton Valley's unilaterally cutting off calls to Southwestern Bell's 800 MaxiMizer service unless Southwestern Bell converts it to FGD access is directly contrary to the Commission's Report and Order in Case No. TO-98-254, supra, in which the Commission ruled against the conversion to FGD.

12. There is no justification for Chariton Valley to cut off Southwestern Bell's 800 MaxiMizer traffic. Even the reasons Chariton Valley asserted in an attempt to support moving FGD are not present here. Unlike terminating FGC intraLATA toll traffic (e.g., PTC to SC), Chariton Valley itself has the information necessary to bill Southwestern Bell access charges on these calls. Chariton Valley will not have to rely on the records produced by another carrier since these 800 calls will originate in Chariton Valley's territory and Chariton Valley will be the ones creating the records, just like it did previously.

13. The specific facts set out in this Complaint are supported by the Affidavit of Joyce 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 2).

WHEREFORE, Southwestern Bell respectfully requests the Commission to issue an order (1) finding that Chariton Valley's unilaterally cutting off 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) prohibiting Chariton Valley from cutting off calls from its exchanges to Southwestern Bell's MaxiMizer 800 customers that previously had been 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

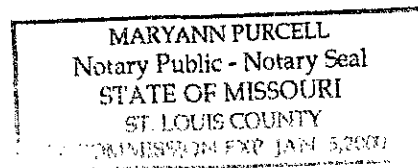
I hereby verify that the above facts are true to the best of my knowledge,
information and belief.


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

Subscribed and sworn to before me on this 29th day of December, 1999.


Notary Public

My Commission Expires: January 5, 2000





VIA FACSIMILE

August 18, 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:

I am writing to express our concern about your client Chariton Valley Telephone Company's plan to unilaterally cut off 800 calls to Southwestern Bell MaxiMizer 800 customers effective August 24, 1999. We have been informed by Chariton Valley that it would discontinue transporting these calls unless Southwestern Bell ordered Feature Group D (FGD) from it.

Chariton Valley's planned course of action is directly contrary to the Commission's decision in the PTC Plan case (TO-98-254) against requiring the conversion to FGD. We believe Chariton Valley's action is particularly egregious here since the reasons Chariton Valley asserted to support moving to FGD are not even present here. Unlike terminating FGC traffic (e.g., PTC to SC), Chariton Valley will have the information necessary to bill Southwestern Bell originating access charges on these calls. Chariton Valley will not have to rely on the records produced by another carrier since these 800 calls will originate in Chariton Valley's territory and Chariton Valley will be the one creating the records, just like it is doing today.

Moreover, we believe that it is improper for Chariton Valley to be taking unilateral action to cut off this traffic in view of the fact that the industry technical committee (in which Chariton Valley has actively been participating) is currently reviewing this issue and trying to form a consensus on how it should be handled. As Elmer Weiss of our Company suggested to Phil Harris of Chariton Valley, this traffic should remain on the jointly-provided FGC trunks consistent with the Commission's decision, subject to the resolution of the network issues pertaining to the PTC Plan's elimination.

We would respectfully request that you discuss with Chariton Valley its planned course of action and the impact of its apparent decision not to comply with the Commission's order. We would like Chariton Valley's assurance by Friday, August 20, 1999 that it will refrain from cutting off Southwestern Bell's 800 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 Friday, we will advise the Commission of Chariton Valley's intentions and seek an order requiring Chariton Valley to refrain from taking unilateral action against this 800 traffic. We would also like to advise that in the event Chariton Valley inappropriately refuses to transport this traffic, it is our intention to pursue a complaint and hold Chariton Valley responsible for any damages caused by its refusal to comply with the Commission's order.

Mr. Craig S. Johnson
August 18, 1999
Page 2

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 dark ink, appearing to read 'Leo J. Bub', written in a cursive style.

Leo J. Bub

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

Southwestern Bell Telephone Company's)
 Complaint Against Chariton Valley)
 Telephone Corporation and Request for an) Case No. _____
 Order Prohibiting Chariton Valley from)
 Cutting Off Southwestern Bell's 800)
 MaxiMizer Traffic.)

AFFIDAVIT OF JOYCE L. DUNLAP

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

Before me, the Undersigned Authority, on the 29th day of December, 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 deposed 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 August 11, 1999, we received a call from Phil Harris of Chariton Valley Telephone Corporation asking how Southwestern Bell wanted its 800 MaxiMizer calls routed since Chariton Valley had implemented intraLATA presubscription. 800 MaxiMizer service is a intrastate intraLATA toll service with reverse billing offered by Southwestern Bell. It 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. Until very recently, calls placed by Chariton Valley's customers to a Southwestern Bell 800 MaxiMizer subscriber were handled over the LEC-to-LEC Feature Group (FG) C facilities.
3. Later in the day on August 11, 1999, Southwestern Bell asked Chariton Valley to continue to route these 800 MaxiMizer calls over the existing FGC trunk groups (just like they had been doing) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Mr. Harris would not agree to this request. He indicated that unless Southwestern Bell orders FGD access service from Chariton Valley for the provision of this type of service, Chariton Valley would, effective August 24, 1999, discontinue transporting Southwestern Bell's 800 MaxiMizer calls over the jointly provided FGC trunk group.

4. Currently, an industry technical committee composed of large and small LECs in Missouri is considering numerous technical issues arising from the PTC Plan's elimination. Southwestern Bell has raised this 800 issue for discussion. Through its representative, Chariton Valley has been participating in these meetings.
5. Southwestern Bell through its attorney, wrote Chariton Valley on August 18, 1999 expressing concern over its plan to cut off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that Chariton Valley would refrain from taking this unilateral action. In response, Chariton Valley indicated that it would delay implementing its planned course of action until September 7, 1999.
6. In December 1999, Southwestern Bell discovered that Chariton Valley had cut off calls from its exchanges to Southwestern Bell MaxiMizer 800 subscribers.

Further affiant sayeth not.



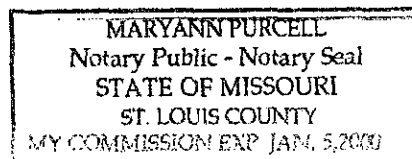
Joyce L. Dunlap, Area Manager-Industry Relations
Southwestern Bell Telephone Company

Subscribed and sworn to before me this 29th day of December, 1999.



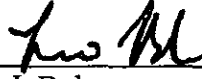
Notary Public

My Commission Expires: January 5, 2000



CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail this 30th day of December, 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

Dale Hardy Roberts
Secretary of the Commission

P 102 316 535

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Chariton Valley Tel. Corp.

Street & Number

P.O. Box 470

Post Office, State, & ZIP Code

Bucklin, MO 64603

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$

Postmark or Date

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Chariton Valley Telephone Corporation
P.O. Box 470
Bucklin, MO 64603

4a. Article Number

P 505 7666 6042

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-5-00

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

X *John Hanson*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original.

I do hereby certify the same to be a true copy thereof.

WITNESS my hand and seal of the Public Service Commission of the State of Missouri, this 3rd day of January 2000.

Date
Sec

