

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

December 30, 1997

CASE NO: TW-97-333

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

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



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

Uncertified Copy:

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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 30th
day of December, 1997.

In the Matter of an Investigation into)
the Provision of Community Optional)
Calling Service in Missouri.)
CASE NO. TW-97-333

ORDER REGARDING EXTENSION

On December 29, 1997, Staff of the Missouri Public Service Commission (Staff) filed The Staff's Motion For Extension Of Time To Respond. Staff notes that on December 19 the Office of the Public Counsel (Public Counsel) filed a "Petition Requesting Stay, The Opening Of A Docket, And Public Hearings In This Docket" and on December 23 Public Counsel filed its First Amendment to the December 19 petition. Staff requests that the Commission delay acting upon Public Counsel's petition until on or after January 5, 1998, so that Staff may respond. Although Staff has requested additional time in which to respond, it has not cited any reason why it could not respond within the ten days which intervened since the petition was filed.

The Commission is aware that 4 CSR 240-2.080(12) states that parties shall be allowed ten days from the date of filing in which to respond to any motion or other pleading unless otherwise ordered by the Commission. However, there must be some limitations upon this rule.

Taken to the extreme, the mere act of Staff filing a motion (for an extension of time) would constitute a motion under 4 CSR 240-2.080(12) and thus all other parties would have ten days to respond to Staff's motion for 7 additional days. In other words, any party could "game the system" and gain an extension of time by simply filing a motion for extension of time. This is not the intent of that rule. It is not, in fact, clear that

motions which come at the close of a case such as motions for rehearing or petitions for a stay are the types of motions to which a party is guaranteed a ten-day response time.

In any event, ten days have passed since Public Counsel filed its petition. Staff has not shown good cause for an additional week in which to respond. The Commission will deny the Staff's request for additional time.

IT IS THEREFORE ORDERED:

1. That The Staff's Motion for Extension of Time to Respond is denied.
2. That this order is effective on the December 30, 1997

BY THE COMMISSION



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

(S E A L)

Lumpe, Ch., Crumpton,
Murray, and Drainer,
CC., Concur.

Roberts, Chief Regulatory Law Judge

ALJ/Sec'y: Robert J. Priddy
12-29-97 TU-97-333
Date Circulated CASE NO.
12-30-97
Agenda Date
Commissioner
Drainer, Vice-Chair
Murray, Commissioner
Crumpton, Commissioner
Lumpe, Chair
Action taken: _____
Must Vote Not Later Than _____

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 30th day of December, 1997.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge