

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 10, 1999**

CASE NO: TC-2000-230

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

Legal Department
Southwestern Bell Telephone Company
One Bell Center Room 3520
St Louis, MO 63101

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

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

Sincerely,



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

Uncertified Copy:
Dennis Overall
1655 S. Ingram Mills Rd, Suite L103
Springfield, MO 65804

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Dennis Overall,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2000-230</u>
)	
Southwestern Bell Telephone,)	
)	
Respondent.)	

MEDIATION REFERRAL ORDER

On September 13, 1999, Dennis Overall (Overall) filed a complaint with the Missouri Public Service Commission (Commission) against Southwestern Bell Telephone Company (SWBT), alleging that SWBT charged Overall for an emergency phone call from a pay telephone booth. The Commission issued its Notice of Complaint on September 16, 1999, providing 30 days for SWBT to file an answer, or, in the alternative, to file a request for mediation. On October 14, 1999, SWBT filed its Request for Mediation. On October 21, 1999, the Commission issued its Notice Directing Response to Mediation Request, notifying Overall that if he agreed to the mediation request, that he should notify the Commission within fifteen (15) days of the date of the notice. On November 2, 1999, Overall notified the Commission in writing that he agreed to the mediation.

This proceeding will thus be stayed, pending the mediation process. The parties will be ordered to report to a mediator and to file reports thereon.

IT IS THEREFORE ORDERED:

1. That this proceeding shall be referred to mediation.
2. That this proceeding shall be stayed until further order.
3. That initial designated contacts for the mediation and subsequent matters are as follows:

COMPLAINANT:	Dennis Overall 1655 S. Ingram Mill Rd. Suite L103 Springfield, Missouri 65808 417-881-8655
RESPONDENT:	Southwestern Bell Telephone Company Leo J. Bub, Esq. One Bell Center, Room 3518 St. Louis, Missouri 63101 314-235-2508
MEDIATOR(S):	Jim Levin, Director Center for Dispute Resolution University of Missouri School of Law 206 Hulston Hall Columbia, Missouri 65211 573-882-1630 573-882-3343 (fax)
COMMISSION:	Dale Roberts, Secretary Public Service Commission Post Office Box 360 Jefferson City, Missouri 65102-0360

4. That the Records Manager for the Commission shall mail this Order to each party. The Records Manager shall mail this Order and copies of the Complaint, Respondent's Request for Mediation, and Complainant's written consent to mediation to the Mediator.

5. That the Complainant Dennis Overall and Respondent Southwestern Bell Telephone Company shall each individually contact the Mediator Jim Levin no later than 3:00 p.m. on December 8, 1999, to obtain instructions from the Mediator, to review the Complaint and to

schedule a mediation conference. Any mediation conference may be scheduled either at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, or at the offices of the Mediator in Columbia, Missouri, unless the Mediator consents to a different location that is mutually agreed to by the parties.

6. That for any conference scheduled at the Commission's offices, anyone with special needs as addressed by the Americans with Disabilities Act should contact the Commission at least ten (10) days before the conference at one of the following numbers: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

7. That the process of mediation shall continue until the parties have reached a settlement, until any party is unwilling to proceed further, until the Mediator(s) determines that further efforts would be of no avail, or until the Commission remands this proceeding from mediation.

8. That the unexcused absence and failure of any party to attend any mediation conference will end the mediation process and cause a mandatory procedural schedule to be set by the Commission. Attendance will only be recognized if the party or representative attending has full authority to negotiate.

9. That the mediation process is voluntary and any party may notify the Secretary of the Commission by letter when the mediation process has ended.

10. That the mediation process is informal and any party may communicate with the Mediator individually without the presence of

other parties. Information disclosed to the Mediator, including any settlement offer, is confidential and privileged and will not be disclosed to the Commission.

11. That each party shall advise the Commission in writing of the status of the mediation process by letter not later than 3:00 p.m. on January 28, 2000, and then at thirty (30) day intervals thereafter until this proceeding is resolved, dismissed or otherwise disposed of.

12. Any proposed full or partial settlement agreement shall be in writing and shall be filed with the Secretary of the Commission for review and approval by the Commission. A settlement may be shielded from disclosure and filing with the Commission if the Commission is notified in writing that a settlement has been reached and the case is voluntarily dismissed.

13. This order shall become effective on November 23, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 10th day of November, 1999.

**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 10th day of November 1999.**



Dale Hardy Roberts

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