

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 18, 2000**

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

Dennis Overall

1655 S. Ingram Mills Rd, Suite L103
Springfield, MO 65804

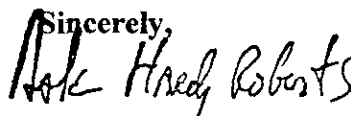
General Counsel

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**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 18th
day of January, 2000.

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

ORDER DISMISSING CASE

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 when he asked SWBT to interrupt a busy telephone line. 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. Thus, the Commission entered its Mediation Referral Order on November 10, 1999, which stayed further proceedings until that process could be finished.

On December 20, 1999, Overall sent the Commission a letter entitled "Letter of Dismissal of Complaint." Although Overall did not state in that letter that he wanted to dismiss his complaint, the Commission assumes that is what he wishes to do. Overall stated that he had talked with Jim Levin (Levin) of the University of Missouri-Columbia, Community Mediation Service. Overall stated that he had read the tariff of SWBT which allowed them to charge \$1.85 for a line interrupt.

On December 30, 1999, Levin sent a letter to the Commission advising that he had spoken with Overall. Levin stated that Overall was ". . . satisfied that [SWBT] acted within the limits of their tariff when [SWBT] charged him a fee to interrupt a busy line." Levin stated that Overall had indicated that he wished to dismiss his complaint against SWBT.

Commission Rule 4 CSR 240-2.116 states, in part:

An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal with the commission and serving a copy on all parties....

There has been no prepared testimony filed or oral evidence offered in this case. Thus, the Commission will dismiss this case.

IT IS THEREFORE ORDERED:

1. That the Complaint filed on September 13, 1999, by Dennis Overall against Southwestern Bell Telephone Company is dismissed.

2. That this order shall become effective on January 28, 2000.
3. That this case may be closed on January 31, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Hopkins, Senior Regulatory Law Judge

Atty/Sec'y

Hopkins/We

Date Circulated

IC-2000-230
CASE NO.

Lumpe, Chair

Crumpton, Commissioner

Murray, Commissioner

Schlemmeyer, Commissioner

Drainer, Vice-Chair

Agenda Date

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 18TH day of January 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

