

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of One Call Communications,)	<u>Case No. TT-2000-537</u>
Inc. d/b/a OPTICOM Tariff Filings for)	Tariff No. 200000698
Operator Services Rate Plans B, C, and D)	Tariff No. 200000725

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On May 9, 2000, the applicant, One Call Communications, Inc. d/b/a OPTICOM (OPTICOM), filed with the Missouri Public Service Commission (Commission) its proposed procedural schedule. OPTICOM stated that the Staff of the Commission and that the Office of the Public Counsel had no objection to the proposed schedule.

However, the proposed schedule would most likely not allow an order to be issued and effective before the operation of law date, which is December 29, 2000. For example, if the evidentiary hearing were to be held on the proposed dates of October 23 and 24, 2000, the transcripts would normally be delivered about two weeks later, i.e., around November 6, 2000. Commission Rule 4 CSR 240-2.140 states that the parties have twenty (20) days after the date on which the complete transcript of the hearing is filed to file their initial briefs, which would be around November 27, 2000. The rule continues that then the parties have ten (10) days after the filing of the initial briefs to file their reply briefs, which would be around December 7, 2000. The Commission would at that point have only, at the most, fourteen (14)

business days until a report and order must be effective. The proposed procedural schedule is not workable.

The Commission will establish a more reasonable procedural schedule and finds that these conditions should be applied:

(A) The Commission will require the prefiling of testimony as defined in Commission Rule 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) Pursuant to Commission Rule 4 CSR 240-2.130(15), testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall

not contain argument about why the party believes its position to be the correct one.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the regulatory law judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(G) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established for this case:

Direct testimony of OPTICOM	-	July 18, 2000 3:00 PM
Rebuttal testimony of all other parties	-	August 21, 2000 3:00 PM

Surrebuttal and cross-rebuttal of all parties	-	September 5, 2000 3:00 PM
Prehearing Conference	-	September 8, 2000 10:00 AM
List of issues; order of witnesses and cross examination	-	September 13, 2000 3:00 PM
Statement of the position of each party on each issue	-	September 18, 2000 3:00 PM
Evidentiary Hearing	-	September 21-22, 2000 9:00 AM

2. That the prehearing conference and evidentiary hearing will be held in the offices of the Missouri Public Service Commission in Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

3. That this order shall become effective on May 22, 2000.

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 12th day of May, 2000.