

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

**CASE NO: TT-99-428, TT-99-429, TT-99-430, TT-99-431, TT-99-432, & TT-99-433**

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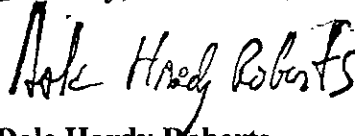
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**Anthony Conroy/Katherine Swaller**  
Southwestern Bell Telephone Company  
One Bell Center, Room 3518  
St. Louis, MO 63101

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

Sincerely,



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

**Uncertified Copy:**

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 10th  
day of August, 1999.

In the Matter of Alma Telephone	)	
Company's Filing to Revise its Access	)	<u>Case No. TT-99-428</u>
Service Tariff, P.S.C. Mo. No. 2.	)	Tariff No. 9900658
In the Matter of MoKan Dial, Inc.'s	)	
Filing to Revise its Access Service	)	<u>Case No. TT-99-429</u>
Tariff, P.S.C. Mo. No. 2.	)	Tariff No. 9900656
In the Matter of Mid-Missouri Telephone	)	
Company's Filing to Revise its Access	)	<u>Case No. TT-99-430</u>
Service Tariff, P.S.C. Mo. No. 2.	)	Tariff No. 9900712
In the Matter of Choctaw Telephone	)	
Company's Filing to Revise its Access	)	<u>Case No. TT-99-431</u>
Service Tariff, P.S.C. Mo. No. 1	)	Tariff No. 9900667
In the Matter of Chariton Valley	)	
Telephone Company's Filing to Revise	)	<u>Case No. TT-99-432</u>
its Access Service Tariff, P.S.C. Mo.	)	Tariff No. 9900657
No. 2.	)	
In the Matter of Peace Valley	)	
Telephone Company's Filing to	)	<u>Case No. TT-99-433</u>
Revise its Access Service Tariff,	)	Tariff No. 9900655
P.S.C. Mo. No. 2.	)	

**ORDER CONSOLIDATING FOR ALL PURPOSES,  
ORDER ESTABLISHING PROCEDURAL SCHEDULE,  
AND ORDER GRANTING SUSPENSION OF TARIFFS**

Procedural Schedule

On May 11, 1999, the Missouri Public Service Commission (Commission) entered its order granting consolidation for hearing purposes of all the above cases. The cases will now be consolidated for all purposes.

On July 15, 1999, the Mid-Missouri Group, representing all of the Applicants above, in response to the Commission's order of June 30, 1999, to file a procedural schedule no later than July 20, 1999, filed its Motion to Establish Procedural Schedule. The Applicants in all these cases are small telephone companies. Thus, all these cases are covered by Section 392.230(5), RSMo 1994, which states that the Commission has a total of one hundred eighty (180) days from the date of the tariff filing to act. The tariff filing date of Alma Telephone Company (Alma) and MoKan Dial, Inc. (MoKan), i.e., the earliest tariffs filed, was on March 9, 1999, and one hundred eighty (180) days from that date is September 5, 1999. Since the proposed procedural schedule had dates which occurred after September 5, 1999, the motion to accept it was overruled on August 3, 1999, by the Commission's Order Overruling Motion to Establish Procedural Schedule. In that order the Commission required that a new procedural schedule be filed no later than August 6, 1999, which would allow the Commission adequate time to issue a decision effective September 5, 1999. The Commission also required that all transcripts must be filed and briefs or oral arguments completed by August 23, 1999.

On August 5, 1999, the Applicants filed their New Proposed Procedural Schedule. The pleading stated that it submitted two alternatives for the Commission to consider in adopting a new procedural schedule.

*First Alternative:* Applicants stated that in their July 15, 1999 motion, the Applicants failed to include a consent to the extension of

the effective dates of the proposed tariffs in order to allow for the November 2 through 4, 1999, hearing dates set forth in that motion. Applicants stated that in order to allow the Commission to adopt the procedural schedule proposed in their July 15, 1999 motion, the Applicants consented to the effective dates of their tariffs to be suspended until December 15, 1999. Applicants stated in support of this alternative that, by consensual extension of a suspension period beyond that allowed by Section 392.230(5), RSMo 1994, the Commission and the parties will have the opportunity to study prefiled testimony, have a hearing, and allow briefing.

*Second Alternative:* Applicants stated that if the Commission did not accept the first alternative, that, since there were no facts in dispute pertaining to the tariff language at issue herein, there be a single brief by all parties to be filed on or before August 20, 1999, and an oral argument scheduled for August 23, 1999.

The Commission accepts the first alternative with some modifications. The Commission has reviewed the proposed schedule set forth in the July 15, 1999 motion, and finds that some of the dates need to be moved. The Commission will also add a date for the filing of the list of issues and witnesses, and statements of positions. The Commission has reviewed the consent to suspension filed on August 5, 1999, and finds it to be legally binding. The Commission establishes the following procedural schedule and finds that these conditions should be applied:

(A) The Commission will require the prefiling of testimony as defined in 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 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. However, in this

case, the filing of the transcript will be expedited so that they will be filed three days after the completion of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 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.

Extension of Tariff Effective Dates

On March 9, 1999, Alma filed a Second Revised Sheet No. 40.1, to replace the First Revised Sheet No. 40.1, for Alma, Missouri, in its P.S.C. Mo. tariff No. 2. The revised sheet had an issuance date of March 10, 1999, and an effective date of April 9, 1999.

On March 9, 1999, MoKan filed a Fourth Revised Sheet No. 7, to replace the Third Revised Sheet No. 7, for Freeman, Missouri, in its P.S.C. Mo. tariff No. 2. The revised sheet had an issuance date of March 10, 1999, and an effective date of April 9, 1999.

On March 18, 1999, Mid-Missouri Telephone Company (Mid-Missouri) filed a Second Revised Sheet No. 5, to replace the First Revised Sheet

No. 5, for all Missouri exchanges in its P.S.C. Mo. tariff No. 2. The revised sheet had an issuance date of March 22, 1999, and an effective date of April 21, 1999.

On March 11, 1999, Choctaw Telephone Company (Choctaw) filed a Second Revised Sheet No. 30, to replace the First Revised Sheet No. 30, Halltown, Missouri, in its P.S.C. Mo. tariff No. 1. The revised sheet had an issuance date of March 12, 1999, and an effective date of April 11, 1999.

On March 9, 1999, Chariton Telephone Company (Chariton) filed a Second Revised Sheet No. 14, to replace the First Revised Sheet No. 14, for all Missouri exchanges in its P.S.C. Mo. tariff No. 2. The revised sheet had an issuance date of March 10, 1999, and an effective date of April 9, 1999.

On March 9, 1999, Peace Valley Telephone Company (Peace Valley) filed a Second Revised Sheet No. 13, to replace the First Revised Sheet No. 13, for Peace Valley, Missouri, in its P.S.C. Mo. tariff No. 2. The revised sheet had an issuance date of March 10, 1999, and an effective date of April 9, 1999.

Motions to suspend the tariffs in all of these cases were filed by the Staff of the Missouri Public Service Commission on April 1, 1999. On April 8, 1999, the Commission granted all of the motions and suspended the tariffs in each of the cases as follows: Alma - August 10, 1999; MoKan - August 10, 1999; Mid-Missouri - August 20, 1999; Choctaw - August 12, 1999; Chariton - August 12, 1999; Peace Valley - August 12, 1999.

On August 5, 1999, the Applicants filed a pleading to extend the effective date of the tariffs at issue herein until December 15, 1999. Thus, the Commission will acknowledge Applicants' voluntary extension of the effective date.

**IT IS THEREFORE ORDERED:**

1. That all of the above cases shall be consolidated for all purposes.

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

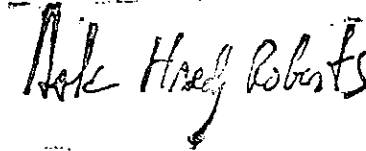
Direct testimony of Applicants	-	September 7, 1999 3:00 PM
Rebuttal testimony of Staff, OPC, and Intervenors	-	September 23, 1999 3:00 PM
Surrebuttal testimony (all parties)	-	October 4, 1999 3:00 PM
List of issues and witnesses, and statements of positions	-	October 4, 1999 3:00 PM
Evidentiary Hearing	-	October 12-13, 1999 9:00 AM

3. That the evidentiary hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, 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.



4. That this order shall become effective on August 20, 1999.

**BY THE COMMISSION**

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

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

( S E A L )

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

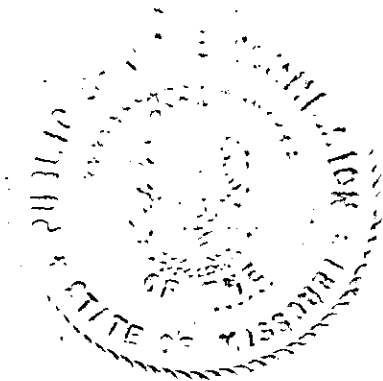
Hopkins, Senior Regulatory Law Judge

ALJ/Sec'y: Hopkins/Boyce  
8-9 77-99-428 Am 433  
 Date Circulated CASE NO.  
SL  
 Lumpe, Chair  
Albert  
 Crumpton, Commissioner  
Albert  
 Murray, Commissioner  
LS  
 Schemenauer, Commissioner  
Del 997  
 Drainer, Vice-Chair  
8-10  
 Agenda Date  
 Action taken: 3-0 AA  
 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 10TH day of AUGUST, 1999.



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