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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re the Matter of an Investigation into)
Public Utility Preparedness for Year 2000) CASE NO. 00-99-43
Conversion.)

ORDER DENYING MOTION

On November 24, 1998, the Small Telephone Company Group (STCG)¹ filed a Motion for Designation of Questionnaires as Year 2000 Readiness Disclosures. STCG requests that the Commission designate all questionnaires filed in this case as "Year 2000 Readiness Disclosures" as that term is defined in the Year 2000 Information and Readiness Disclosure Act signed into law on October 29.

The Section 7.(b) of the law says:

(b) PREVIOUSLY MADE READINESS DISCLOSURE-

(1) IN GENERAL- For the purposes of section 4(a), a person or entity that issued or published a year 2000 statement after January 1, 1996, and before the date of enactment of this Act, may designate that year 2000 statement as a year 2000 readiness

¹ For purposes of this proceeding, the Small Telephone Company Group consists of ALLTEL Missouri, Inc., Bourbeuse Telephone Company, BPS Telephone Company, Cass County Telephone Company, Citizens Telephone Company of Higginsville, Missouri, Inc., Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Farber Telephone Company, Fidelity Telephone Company, Goodman Telephone Company, Inc., Granby Telephone Company, Grand River Mutual Telephone Corporation, Green Hills Telephone Corporation, Holway Telephone Company, Iamo Telephone Company, KLM Telephone Company, Kingdom Telephone Company, Lathrop Telephone Company, Le-Ru Telephone Company, Mark Twain Rural Telephone Company, McDonald County Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Orchard Farm Telephone Company, Oregon Farmers Mutual Telephone Company, Ozark Telephone Company, Rock Port Telephone Company, Seneca Telephone Company, Steelville Telephone Exchange, Inc., and Stoutland Telephone Company.

disclosure if--

(A) the year 2000 statement complied with the requirements of section 3(9) when made, other than being clearly designated on its face as a disclosure; and

(B) within 45 days after the date of enactment of this Act, the person or entity seeking the designation--

(i) provides individual notice that meets the requirements of paragraph (2) to all recipients of the applicable year 2000 statement; or

(ii) prominently posts notice that meets the requirements of paragraph (2) on its year 2000 Internet website, commencing prior to the end of the 45-day period under this subparagraph and extending for a minimum of 45 consecutive days and also by using the same method of notification used to originally provide the applicable year 2000 statement.

The relevant portion of the law is that:

[A] person or entity that issued or published a year 2000 statement ... may designate that year 2000 statement as a year 2000 readiness disclosure if ... the person or entity seeking the designation ... provides individual notice ... or prominently posts notice.

There is no provision that allows any entity, even this Commission, to designate another entity's statement to be a year 2000 readiness disclosure.

The Commission cannot effectively designate any of the previously filed questionnaires as year 2000 readiness disclosures. Granting the STCG's motion would not afford entities the protections of the Year 2000 Information and Readiness Disclosure Act. In order to receive those protections, the entity that published a year 200 statement before the effective date of the law must designate it as a year 2000 disclosure statement. The Motion for Designation of Questionnaires as Year 2000 Readiness Disclosures will be denied.

IT IS THEREFORE ORDERED:

1. That the Motion for Designation of Questionnaires as Year 2000

Readiness Disclosures filed by the Small Telephone Company Group on November 24, 1998, is denied.

2. That this order shall become effective on December 5, 1998.

BY THE COMMISSION

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

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis R. Mills, Jr., Deputy Chief 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 25th day of November, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION