

B✓
RWS
MP

2/20
BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Investigation by the Staff)
of the Missouri Public Service Commission into) Case No. TO-98-216
the Overearnings of Northeast Missouri Rural)
Telephone Company.)

ORDER GRANTING MOTION TO COMPEL
AND REVISING PROCEDURAL SCHEDULE

On January 27, 1998, Southwestern Bell Telephone Company (SWBT) filed its Motion to Compel Responses to Data Requests. SWBT alleges that it served certain data requests on January 9 to AT&T Communications of the Southwest, Inc. (AT&T) and that AT&T had refused to respond to those data requests. SWBT attached a letter dated January 20, addressed to SWBT's counsel from AT&T's counsel, in which AT&T asserted that the requests were irrelevant, overbroad and burdensome. SWBT argues that the data requests are relevant to a determination of the extent to which intrastate intraLATA access charges should differ from intrastate interLATA access charges. The first six data requests seek information about AT&T's average Length of Haul, average revenue per minute, and average call duration on intrastate intraLATA and intrastate interLATA calls, respectively. The seventh data request concerns the percentages of AT&T's intrastate traffic out of Northeast Missouri Rural Telephone Company's (NMRTC's) exchanges that are intrastate intraLATA and intrastate interLATA. SWBT requests an order compelling AT&T to respond to the data requests by no later than March 2 so that SWBT can use the information to prepare its testimony, which is currently due on March 16.

AT&T did not file any suggestions in opposition to SWBT's motion to compel. The Commission's rule allows parties ten days to respond to motions, unless otherwise ordered by the Commission. 4 CSR 240-2.080(12). AT&T's time to oppose SWBT's motion expired on February 6. Therefore, the Commission will grant SWBT's motion to compel.

The Commission has determined that the hearing should be rescheduled because of the Commission's need to use its hearing room for another case on April 20 to 22. This will allow time for SWBT to file its testimony later than originally scheduled. The Commission finds that the dates for the filing of rebuttal and surrebuttal testimony and the hearing memorandum, and the dates for the hearing, should be revised as set forth in Ordered Paragraph 2 below. The conditions established in the Commission's January 21 order shall continue to apply. The Commission further finds that AT&T shall file responses to SWBT's Data Request Nos. 1-7 by March 9.

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company's January 27, 1998, Motion to Compel Responses to Data Requests is granted, except that the due date for the responses is extended to March 9, 1998.

2. That the following revised procedural schedule is adopted for the remainder of this proceeding:

Rebuttal testimony to be filed by SWBT	-	March 30, 1998 3:00 p.m.
Surrebuttal to be filed by all parties	-	April 20, 1998 3:00 p.m.
Hearing Memorandum	-	April 30, 1998
Evidentiary Hearing	-	May 11-13, 1998

3. That this order shall become effective on February 20, 1998.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, 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 20th day of February, 1998.

RECEIVED

FEB 20 1998

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION