

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 December, 1998.

In the Matter of an Investigation Concerning	)	
the Continuation or Modification of the	)	<u>Case No. TO-97-217</u>
Primary Toll Carrier Plan When IntraLATA	)	
Presubscription is Implemented in Missouri.	)	

In the Matter of the Request for Suspension	)	
and Modification of Federal Communications	)	<u>Case No. TO-97-220</u>
Commission Rules Regarding IntraLATA Dialing	)	
Parity.	)	

In the Matter of an Investigation Concerning	)	
The Primary Toll Carrier Plan and IntraLATA	)	<u>Case No. TO-99-254</u>
Dialing Parity	)	

**ORDER CLOSING CASES, ESTABLISHING NEW CASE, AND GRANTING INTERVENTION**

Case No. TO-97-217 was created when the Staff of the Commission (Staff) filed a Motion to Establish a Docket on November 26, 1996. Staff stated in its motion that the Primary Toll Carrier (PTC) Plan is inherently inconsistent with a presubscription environment. Case No. TO-97-220 was created when the Small Telephone Company Group and the Mid-Missouri Group of local exchange companies filed a Petition for Suspension and Modification of Selected Federal Communications Commission Rules Regarding IntraLATA Dialing Parity on November 27. On June 27, 1997, the Commission consolidated the two cases.

After due consideration of the evidence of record, the Commission issued a Report and Order on March 12, 1998. Several parties sought a

review in the Circuit Court of Cole County of the lawfulness and reasonableness of that Report and Order. On September 11, the court issued its decision finding that, because the Commission conferred with certain Staff members during its deliberations, the Report and Order was impermissibly tainted by unlawful ex parte communications. The court accordingly vacated and reversed the Report and Order, and remanded it to the Commission for the purpose of conducting a new hearing. The court instructed the Commission to:

conduct a new evidentiary hearing observing all of the statutory and constitutional procedural safeguards, and to base its decision solely on the evidence of record of that hearing, and, finally, to permit no further involvement by the Advisory Group.

To comply with these instructions of the court, the Commission will close Case Nos. TO-97-217 and TO-97-220, and open a new case to consider the issues concerning the PTC plan and intraLATA dialing parity. All of the parties to Case Nos. TO-97-217 and TO-97-220 will be made parties to this new case. An early prehearing conference should be scheduled to afford the parties the opportunity to discuss, define, and possibly resolve the issues presented in this case, and to discuss a procedural schedule. The parties will be directed to submit a statement of the issues. The Commission will also set a date for the filing of a proposed procedural schedule.

**IT IS THEREFORE ORDERED:**

1. That Case No. TO-99-254 is established to consider the issues concerning the Primary Toll Carrier plan and intraLATA dialing parity.

2. All parties to Case Nos. TO-97-217 and TO-97-220 are hereby made parties to Case No. TO-99-254.


3. That a prehearing conference will be held on December 21, 1998, at 10:00 a.m. at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

4. That anyone with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission before the prehearing or hearing at one of the following numbers: Consumer Services Hotline — 1-800-392-4211 or TDD Hotline — 1-800-829-7541.

5. That the parties shall file a proposed procedural schedule and a statement of the issues the parties wish the Commission to resolve no later than December 31, 1998.

6. That this order shall become effective on December 22, 1998.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Mills, Deputy Chief Regulatory Law Judge