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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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

In the Matter of the Petition of MCI Telecom-)
munications Corporation to Require Southwestern) Case No. TO-99-125
Bell Telephone Company to Implement IntraLATA)
Presubscription No Later Than February 8, 1999.)

ORDER AMENDING PROCEDURAL SCHEDULE AND CONSOLIDATING CASES

A procedural schedule was established for Case No. TO-99-254 by order issued January 19, 1999, and for Case No. TO-99-125 by order issued March 3. Since then, on March 23, the Federal Communications Commission (FCC) issued an order that requires, *inter alia*, all local exchange carriers (LECs) to file, no later than April 22, their plans for implementing intraLATA toll dialing parity. The FCC order also requires that LECs whose plans have not been approved by a state commission by June 22 to file their plans for implementing intraLATA toll dialing parity with the FCC on that date.

By orders issued April 2, the Commission established prehearing conferences for the parties to discuss the impact of the FCC's March 23 order on the schedule in these cases. At the prehearing conferences, the parties present¹ agreed that the cases should be consolidated for purposes of hearing and that the procedural schedule should be modified. The

¹ Not all parties were represented at the prehearing conference, although none were excused by the Commission or the presiding officer.

Commission will adopt the modified procedural schedule for both cases.

The Commission notes that the filing dates in all instances are to be considered "in hand" dates; that is, filings should be delivered to all parties on the day they are filed. The following conditions shall apply to this amended schedule **instead of** the conditions that applied to the original schedules:

(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) 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.

(C) 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.

(D) The filing of the transcript shall be expedited so that each volume shall be available two days after the session it transcribes.

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

(F) 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.

The parties also suggested that the intraLATA dialing parity plan for each LEC should be filed in a separate case, all of which may be consolidated into these cases for hearing purposes. The Commission will accept this suggestion as well.

IT IS THEREFORE ORDERED:

1. That Case No. To-99-125 is consolidated for hearing purposes with Case No. TO-99-254. Case No. TO-99-254 shall be the lead case.

2. That the procedural schedule in these consolidated cases is amended to be as follows:

Direct testimony on the PTC plan and dialing parity in general	March 25, 1999 [Already filed.]
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Dialing parity plans and supplemental direct testimony filed by LECs	April 22, 1999 3:00 P.M.
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Rebuttal testimony of all parties on the PTC plan	April 29, 1999 3:00 P.M.
Rebuttal testimony of all parties on dialing parity plans	May 3, 1999 3:00 P.M.
Prehearing Conference	May 10, 1999 10:00 A.M.
List of issues, order of witnesses, order of cross-examination	May 12, 1999 3:00 P.M.
Surrebuttal and Cross-surrebuttal on all issues	May 13, 1999 3:00 P.M.
Positions of each party on all issues	May 13, 1999 3:00 P.M.
Evidentiary hearing	May 17-21 & 24-26, 1999 9:00 A.M.
Simultaneous briefs	June 4, 1999 3:00 P.M.

3. That a prehearing conference and an evidentiary hearing is now set in this matter for May 12, 1999, at 10:00 a.m., in or near the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least four (4) 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 each local exchange company shall file its intraLATA dialing parity plan in a separate case.

5. That this order shall become effective on April 19, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief
Regulatory Law Judge, by delegation
of authority under Commission Directive
of January 3, 1995, pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 9th day of April, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION