

In the Matter of the Application of ICG Telecom Group, Inc., to Expand Its Certificates of Service Authority to Include Provision of Local Telecommunications Service Statewide and to Continue to Classify the Company and Its Services as Competitive.)
)
)
)
)
)

Case No. XA-2002-1079

On August 16, 2002, Fidelity Telephone Company filed a Motion to Compel and for Expedited Treatment. Fidelity requests that the Missouri Public Service Commission issue an order compelling ICG Telecom Group, Inc., to produce all information responsive to Fidelity's Data Requests 3, 10, 11 and 12. Fidelity also requests expedited treatment of its motion, in accordance with 4 CSR 240-2.080(17). Fidelity notes that based on the Order Adopting Procedural Schedule entered in this case on August 8, 2002, Fidelity must file its rebuttal testimony by September 4, 2002¹, and the evidentiary hearing is scheduled for September 26-27, 2002. Fidelity indicates that expedited review is necessary for it to complete its testimony, to identify witnesses, and to otherwise prepare for trial. Fidelity states that in the event a prehearing conference on its motion is necessary, Fidelity respectfully requests that the conference be held by telephone on August 26, 2002, at 10:00 a.m.

¹ Although Fidelity indicates that the rebuttal testimony is due September 2, 2002, the actual due date is September 4, 2002.

The Commission has reviewed the request and finds that a prehearing conference is appropriate to ensure prompt resolution of this matter. However, the Commission will deny Fidelity's request to conduct the prehearing conference by telephone as an in-person conference will be more conducive to a thorough review of the issues. Due to the expedited nature of this case, the Commission will also shorten the time for the filing of responses to the Motion to Compel and Request for Expedited Treatment.

IT IS THEREFORE ORDERED:

1. That a prehearing conference is scheduled for August 26, 2002, beginning at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building is a facility that meets the accessibility requirements of the Americans with Disabilities Act. Any person who needs additional accommodations to participate in the prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the conference.

2. That any response to the Motion to Compel and Request for Expedited Treatment shall be filed no later than August 22, 2002.

3. That this order shall become effective on August 26, 2002.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

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

(S E A L)

Vicky Ruth, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of August, 2002.