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**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 27th  
day of June, 1997.

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

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

**ORDER CONSOLIDATING CASES  
AND MODIFYING PROCEDURAL SCHEDULE**

The Staff of the Commission (Staff) filed a Motion to Establish a Docket under Case No. TO-97-217 on November 26, 1996. Staff stated in its motion that the Primary Toll Carrier (PTC) Plan is inherently inconsistent with a presubscription environment and asked the Commission to consider PTC Plan issues in a separate case. Staff asked that notice be given to the parties to Case No. TT-96-398, Case No. TO-95-396, and Case No. TO-96-135. MCI Telecommunications Corporation filed an application to intervene on December 16. The Commission did not take action on the motion or the application to intervene.

The Small Telephone Company Group (STCG) and the Mid-Missouri Group (MMG) of local exchange companies filed a Petition for Suspension and Modification of Selected Federal Communications Commission (FCC) Rules Regarding IntraLATA Dialing Parity on November 27, 1996, in Case No. TO-97-220. The primary issue of suspension of the FCC's implementation

schedule for intraLATA dialing parity was resolved by Report and Order in Case No. TO-97-220 issued on May 22, 1997. In the course of their negotiations the parties decided it would be appropriate to ask the Commission to consider PTC Plan issues in the context of TO-97-220. A hearing date of September 2-6, 1997 was established and the parties were directed to file a proposed procedural schedule.

Staff filed a motion and a proposed procedural schedule on May 30 asking the Commission to reschedule the September hearing for October 27-31 to allow time for resolution of the issues surrounding Community Optional Service (COS) in Case No. TW-97-333 which was set for hearing on June 23-24. The STCG filed a letter indicating its concurrence with Staff's motion and proposed schedule.

Southwestern Bell Telephone Company (SWBT) filed comments on the motion on June 10 arguing that the positions of the parties regarding the PTC Plan will not vary significantly regardless of the outcome of the COS case. SWBT stated that it is ready to proceed to hearing in September.

The STCG filed a response to SWBT's comments on June 16 arguing that the Commission's resolution of the issues surrounding COS provision will affect its analysis of issues relating to the PTC Plan. STCG also stated that problems relating to the exchange of data between the companies in TO-97-220 also necessitate a delay in the hearing date.

The Commission has considered the pleadings of the parties and finds that Case No. TO-97-217 should be established and consolidated with Case No. TO-97-220 for the purpose of considering the issues surrounding the PTC Plan, and that interested parties should receive notice and an opportunity to be heard. Parties of record to Case No. TO-97-220 shall be parties to the consolidated case without filing for intervention in

TO-97-217. The Commission finds that it would be appropriate to delay the evidentiary hearing in the case to allow time for resolution of the issues in Case No. TW-97-333. Staff's motion to reschedule shall be granted and the proposed procedural schedule shall be adopted. In addition, the Commission finds that the following conditions shall be applied to the schedule.

A. The Commission will require the prefiling of testimony in compliance with 4 CSR 240-2.130, including the filing of testimony 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 in the proceedings caused by allegations of unfair surprise at the hearing.

B. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. The party that considers the information to be proprietary or highly confidential should request a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

C. The Commission will schedule a prehearing conference to allow the parties the opportunity to resolve substantive issues as well as to consider those matters described in 4 CSR 240-2.090(6). The parties shall also use the prehearing conference to eliminate issues which can be resolved through updating of a party's case, clarification of misunderstandings, explanation of an issue's interrelationship with other issues, and correction of clerical or arithmetic errors.

D. The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing,

definitions of terms used in describing those issues, and each party's position on those issues. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. The briefs to be submitted by the parties shall follow the same format established in the hearing memorandum. Initial 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.

The Commission Staff will be responsible for preparing and filing the hearing memorandum. The Commission wishes to emphasize the importance of the deadline for filing the hearing memorandum. Unless the Commission orders otherwise, the hearing memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue at least two business days before the due date. If a party fails to provide its position by that date, the Staff is not obligated to include that party's position in the Hearing Memorandum.

E. The Commission's general policy provides for the filing of the transcript within two weeks after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the administrative law judge at least five days before the hearing.

F. The length of initial briefs should be limited to 30 pages and reply briefs to 15 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**

1. That Case No. TO-97-217 is established for the purpose of considering issues surrounding the PTC Plan and is consolidated with Case No. TO-97-220 for all purposes. The lead case shall be Case No. TO-97-217. All parties to Case No. TO-97-220 are hereby made parties to the consolidated case.

2. That the Records Department of the Commission shall send a copy of this order to each of Missouri's certificated telecommunications companies.

3. That anyone wishing to intervene in this proceeding shall file an application with the Commission no later than July 14, 1997.

4. That the evidentiary hearing scheduled for September 2-6, 1997, is rescheduled for October 27-31, 1997.

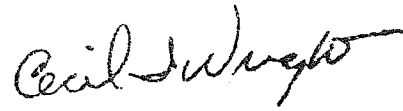
5. That the following procedural schedule shall apply to this proceeding, subject to the conditions set out above:

Direct testimony	August 22, 1997, 3:00 p.m.
Rebuttal testimony	September 25, 1997, 3:00 p.m.
Surrebuttal testimony	October 14, 1997, 3:00 p.m.
Prehearing conference	October 16-17, 1997, 10:00 a.m.
Hearing Memorandum	October 21, 1997
Evidentiary hearing	October 27-31, 1997, 10:00 a.m.

6. That anyone wishing to attend the prehearing conference or the evidentiary hearing who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days 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.

7. That this order shall become effective on the date hereof.

**BY THE COMMISSION**

A handwritten signature in cursive script, appearing to read "Cecil I. Wright".

**Cecil I. Wright  
Executive Secretary**

( S E A L )

Crompton, Drainer, Murray  
and Lumpe, CC., concur.  
Zobrist, Chm., absent.

ALJ: Wickliffe