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In the Matter of an Investigation of Payphone)
Issues Pursuant to the Telecommunications Act of) Case No. TW-98-207
1996.)
)

The Commission established this case on December 9, 1997, to investigate whether the Commission's rules and regulations contain barriers to free entry and exit from the competitive payphone market, and to address the issue of public interest payphones. This inquiry was designed to comply with requirements of the Telecommunications Act of 1996¹ (the Act) and Federal Communications Commission (FCC) orders implementing the Act. The parties met in an early prehearing conference on January 27, 1998.

The parties participated in a technical conference on February 27² and the Staff of the Commission (Staff) filed a proposed procedural schedule on March 11. Staff also filed a Motion to Submit Straw Proposal on March 31 with its straw proposal attached as Exhibit 1. No responses were filed to either motion.

¹ 47 U.S.C. 251 et seq.

² Staff filed a Motion to Establish Technical Conference on February 6, 1998, on which the Commission did not act. Since the parties met in a technical conference on the date requested, the motion is moot and requires no Commission action.

The Commission has reviewed Staff's motions and finds that they should be granted. The Commission will adopt the procedural schedule set out in the ordered paragraphs below and conduct a hearing for the parties to make presentations on the issues and respond to Commission questions. The Commission shall grant permission for the filing of Staff's straw proposal as presenting an appropriate beginning point for comment on the issues. The Kansas Payphone Association submitted comments on February 17 proposing to include numerous payphone issues in this case. The Commission finds that the issues must be limited to those for which the case was established, i.e. the existence of entry and exit barriers to the payphone market, and whether there is a need for public interest payphones. The following conditions apply to the procedural schedule:

A. Comments 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 information to be proprietary or highly confidential should indicate the material's proper classification at the time of filing. Any document filed without a protective order first being established, or its classification clearly indicated, shall be considered public information.

B. 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 any issues which can be resolved before hearing.

C. 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 not requiring action by the Commission.

The Commission Staff will be responsible for preparing and 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 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.

D. Any party wishing to offer a prefiled exhibit into evidence must bring to the hearing three copies of the exhibit for the court reporter. If the exhibit has not been prefiled, the proponent must also bring six copies for the Commissioners and the administrative law judge, and copies for opposing counsel.

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 regulatory law judge at least five days before the hearing.

F. 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 issues that are to be decided by the Commission. Initial briefs shall 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 Staff's Motion to Submit Straw Proposal is granted.
2. That Staff's Proposed Procedural Schedule is adopted, subject to the conditions discussed above:

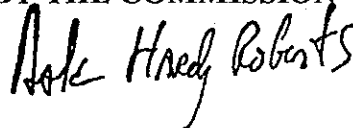
Comments on Staff's Straw Proposal	April 28, 1998
Response to Comments on Straw Proposal	May 19, 1998
Prehearing Conference	June 2, 1998, 10:00 a.m.
Hearing Memorandum	June 17, 1998
Presentation Hearing	June 29, 1998, 9:00 a.m.

3. That the presentation hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend 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 hearing at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

6. That this order shall become effective on April 28, 1998.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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

Wickliffe, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION