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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 23rd day of September, 1998.

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.)	
)	

ORDER TEMPORARILY SUSPENDING FURTHER PROCEEDINGS

The Commission issued an Order on March 12, 1998 which provided for the phasing-out of the PTC Plan and implementation of an Originating Responsibility Plan. The order established a Technical Committee to present unresolved issues, and directed the filing of implementation plans by the independent telephone companies. Currently pending before the Commission are seven disputed issues which were the subject of an evidentiary hearing on July 22-24, 1998, and implementation plans filed by numerous local exchange companies. The implementation plans have garnered objections and are scheduled for hearing on October 5-7; rebuttal testimony is due on September 28.

The Cole County Circuit Court issued a decision on September 11 reversing the Commission's March 12 Report and Order and requiring a new evidentiary hearing (Case Nos. CV198-666 and CV198-694). The Mid-Missouri Group (MMG) filed a Motion to Suspend Further Proceedings, and a Motion to Shorten and for Expedited Treatment on September 16. MMG asked the Commission to suspend further proceedings in light of the Circuit Court's Order, and to shorten the time for response to its motion because rebuttal testimony is due on September 28. The Small Telephone Company

Group filed a letter to the official case file on September 21 concurring with MMG's motions.

Southwestern Bell Telephone Company (SWBT) filed a reply to MMG's motion arguing that the procedural schedule regarding implementation plans need not be suspended. SWBT stated that the Commission's order directing the parties to implement intraLATA presubscription issued in TO-97-220 on May 22, 1997, was independent of the order phasing out the PTC Plan and, in addition, had not been challenged by any party. SWBT proposed that the Commission proceed with its planned review of the implementation plans, subject to the resolution of the PTC Plan issues on remand, on October 5-7 as scheduled.

The Commission has reviewed the Circuit Court's Order, MMG's motions, STCG's concurrence, and SWBT's reply. Ideally, the parties would be permitted ten days to respond to these motions before Commission However, in light of the Circuit Court's Order reversing and action. remanding this case, and because of the need to relieve the parties of the duty to file rebuttal testimony on September 28, the Commission will temporarily suspend further proceedings on its own motion. The Commission would encourage responses to SWBT's reply regarding whether review of the implementation plans can proceed. The Commission asks the parties to address the extent to which the implementation plans on file are dependent upon the Commission's decision to eliminate the PTC Plan in favor of an Originating Responsibility Plan, and what changes might need to be made if the plans were to be considered before the PTC Plan issues The parties should bear in mind the limitations on are resolved. Commission resources and make their proposals with the principle of judicial economy in mind. Responses to the pleadings already filed on this question may be filed no later than October 2. In the meantime, all further proceedings in this case are temporarily suspended.

IT IS THEREFORE ORDERED:

- 1. That all further proceedings in this case, including scheduled testimony and the hearing set for October 5-7, are suspended until further Commission order.
- 2. That parties may respond to the Motion to Suspend Further Proceedings and the Motion to Shorten and for Expedited Treatment filed by the Mid-Missouri Group on September 16, 1998, and to the Reply filed by Southwestern Bell Telephone Company, no later than October 2, 1998.
 - 3. That this Order shall become effective on September 28, 1998.

BY THE COMMISSION

Hole Hard Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

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

Wickliffe, Deputy Chief Regulatory Law Judge