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

In the Matter of the Application of )  
Universal Telephone for a Certificate of )  
Service Authority to Provide Basic Local )  
Telecommunications Services in Portions ) **Case No. TA-99-52**  
of the State of Missouri, and to Classify )  
Said Services and the Company as )  
Competitive. )

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Kelley S. Beddow and Brian S. Beddow, d/b/a Universal Telephone (Applicant) filed an application on August 10, 1998, requesting a certificate of service authority to provide basic local telecommunications services in the state of Missouri, and requesting competitive classification. The Commission granted intervention to Southwestern Bell Telephone Company (SWBT) on August 27 and directed the parties to file a proposed procedural schedule no later than October 23. On October 23, the Staff of the Missouri Public Service Commission (Staff) filed a proposed procedural schedule.

The Commission will adopt the procedural schedule as set out in the ordered paragraphs below. In addition, the Commission finds that the following conditions shall be applied to the schedule.

A. The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. 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. The Commission expects the parties to comply with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages.

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 and the order in which they shall be called, an appendix containing definitions of technical terms, each party's position on the disputed issues, and the order of cross-examination. 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. Staff will be responsible for preparing and filing the hearing memorandum.

E. The Commission emphasizes the importance of the deadline for filing the hearing memorandum. Commission Staff will be responsible for preparing and filing the hearing memorandum, and, unless the Commission orders otherwise, the hearing memorandum shall be filed on or before the

date set. Each party is required to provide Staff with its position on each unresolved issue at least two business days prior to the filing deadline for the hearing memorandum. Each party shall either present their signature element (a signed page), shall provide written authorization to permit the General Counsel to sign for that particular party, or shall be available to sign the final draft at the offices of the General Counsel prior to the filing deadline. A hearing memorandum which is not signed is considered noncompliant as to the party whose signature is missing and any party who fails or refuses to sign the final copy of the hearing memorandum is hereby ordered to file its own hearing memorandum, which follows the same numbering and topic outline, by the hearing memorandum filing date.

F. The Commission's general policy provides for the filing of the transcript ten working days 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.

G. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. 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. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**


1. That the following procedural schedule is adopted for this proceeding, subject to the conditions discussed above:

Direct testimony filed by Applicant	- November 24, 1998 3:00 p.m.
Rebuttal testimony filed by Staff and Intervenors	- December 22, 1998 3:00 p.m.
Surrebuttal testimony filed by all Parties, together with statements of Position for the hearing memorandum	- January 5, 1999 3:00 p.m.
Prehearing conference	- January 6, 1999 10:00 a.m.
Hearing Memorandum	- January 7, 1999
Evidentiary hearing	- January 15, 1999 10:00 a.m.

2. The prehearing conference will be held in Conference Room 3 and the evidentiary hearing will be held in the Commission's hearing room. Both facilities are located 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 prehearing conference or hearing at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That this order shall become effective on November 6, 1998.

**BY THE COMMISSION**

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

(S E A L)

Morris L. Woodruff, Regulatory  
Law Judge, by delegation of authority  
pursuant to 4 CSR 240-2.120(1),  
(November 30, 1995) and Section 386.240,  
RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 27th day of October, 1998.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION