



**Commissioners**

**KARL ZOBRIST**  
Chair

**KENNETH McCLURE**

**HAROLD CRUMPTON**

**M. DIANNE DRAINER**  
Vice Chair

**Missouri Public Service Commission**

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
573-526-5695 (TT)

**CECIL I. WRIGHT**  
Executive Secretary

**SAM GOLDAMMER**  
Director, Utility Operations

**GORDON L. PERSINGER**  
Director, Policy & Planning

**KENNETH J. RADEMAN**  
Director, Utility Services

**DONNA M. KOLILIS**  
Director, Administration

**DALE HARDY ROBERTS**  
Chief Administrative Law Judge

**DAN JOYCE**  
General Counsel

April 25, 1997

Mr. Cecil I. Wright  
Executive Secretary  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. TW-97-333 -In the matter of an Investigation into the Provision of  
Community Optional Calling Service in Missouri**

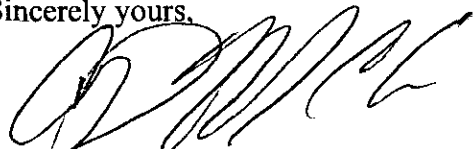
Dear Mr. Wright:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of **Staff's Response to Southwestern Bell Telephone Company's Motion to Shorten Time for Discovery Responses or for Leave to Supplement Rebuttal Testimony.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

  
Cheryl D. McGowan  
Assistant General Counsel  
573-751-3966  
573-751-9285 (Fax)

CDM/clw  
Enclosure  
cc: Counsel of Record

**FILED**  
**APR 25 1997**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

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

In the Matter of an Investigation into the   )  
Provision of Community Optional Calling   )  
Service in Missouri                               )

Case No. TW-97-333

**STAFF'S RESPONSE TO SOUTHWESTERN BELL TELEPHONE COMPANY'S  
MOTION TO SHORTEN TIME FOR DISCOVERY RESPONSES  
OR FOR LEAVE TO SUPPLEMENT REBUTTAL TESTIMONY**

Comes now the Staff of the Missouri Public Service Commission by and through its Office of the General Counsel and for its Response to Southwestern Bell Telephone Company's (SWBT's) Motion to Shorten Time for Discovery Responses or for Leave to Supplement Rebuttal Testimony (SWBT's Motion) respectfully states as follows:

1. On March 7, 1997, the Commission issued its Order Establishing Docket in this case. In that order the Commission adopted an abbreviated procedural schedule.
2. In Compliance with the adopted procedural schedule the parties filed direct testimony on April 11, 1997. This filing included the direct testimony of Bob Schoonmaker filed on behalf of the Small Telephone Company Group (Small TCG). Attached to Mr. Schoonmaker's direct testimony was Schedule RCS-2 which was marked highly confidential and contained information relating to the number of business and residential community optional service (COS) lines in service for various exchanges as well as the number of COS minutes used back and forth between the petitioned and targeted exchanges.

**FILED**

APR 25 1997

MISSOURI  
PUBLIC SERVICE COMMISSION

3. Based upon its review of the numbers contained in Mr. Schoonmaker's highly confidential Schedule RCS-2, the Staff believes that there may be a problem with the factual data or there may be inappropriate use of COS, because of the unexpectedly high minutes of use from the target exchange back to the petitioning exchange on some COS routes. In an attempt to clarify the these numerical anomalies the Staff sent several follow-up data requests (DRs) to the Small TCG. It is important that the reasons for this unexpected data be investigated so that the best information possible can be submitted to the Commission for consideration.

4. On April 18, 1997, Southwestern Bell Telephone Company, Inc. (SWBT) filed its Motion to Shorten Time for Discovery Responses or for Leave to Supplement Rebuttal Testimony (SWBT's Motion). In SWBT's Motion it asked the Commission to either: a) shorten the DR response time to enable SWBT to obtain responses to follow-up DRs in time to include any information received in its rebuttal testimony which is currently due May 2, 1997, or b) allow SWBT to file supplemental rebuttal testimony after it has received responses to the DRs in issue.

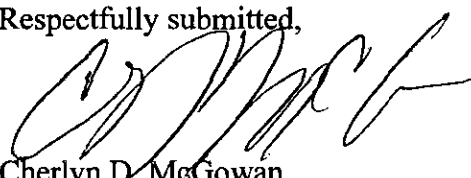
5. As set out above, based upon information contained in the Small TCG's direct testimony the Staff finds itself in the same position as SWBT. That is the Staff lacks sufficient time to receive responses to follow-up DRs and incorporate those responses into its rebuttal testimony. Accordingly, if the Commission determines that it is appropriate to shorten the time allowed to respond to SWBT's follow-up DRs, the Staff requests that the time allowed to respond to its follow-up DRs be similarly shortened. However, with testimony due a week from today, the Staff is concerned that it will not be possible to expedite DR responses sufficiently to allow either the Staff or SWBT to receive the requested information and incorporate it into their rebuttal testimony.

6. Although the Staff does not believe it is the best method to address the numerical anomalies in Small TCG's direct testimony, if the Commission determines that SWBT should be allowed to file supplemental rebuttal on May 12, 1997, the Staff also requests permission to file supplemental rebuttal relating to its outstanding DRs on that date.

7. Since the hearing is currently scheduled for May 12, 1997, the same day SWBT proposes to file its supplemental rebuttal testimony, the Staff believes it would be difficult for the parties to adequately prepare for any new issues raised by that testimony. Further, based upon the Staff's concerns relating to the content of Small TCG's direct testimony, the Staff believes new and relevant issues may surface based upon the DR responses in issue. Accordingly, the Staff is filing concurrent with this Response a Motion to Delay Procedural Schedule.

WHEREFORE, while the Staff does not believe it will adequately address the problems in issue, the Staff respectfully requests that in the event the Commission either shortens the time allowed for responding to DRs or allows SWBT to file supplemental rebuttal relating to its outstanding DRs that the Staff be given comparable treatment or authority.

Respectfully submitted,



Cherlyn D. McGowan  
Assistant General Counsel  
Missouri Bar No. 42044

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
573-751-3966  
573-751-9285 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 25th day of April, 1997.

A handwritten signature in cursive script, appearing to read "D. M. L.", is written over a horizontal line.

Service List  
Case No. TW-97-333  
Revised: April 25, 1997

Mark W. Comley  
Newman, Comley & Ruth  
205 East Capitol Avenue  
Jefferson City, MO 65102-0537

Craig S. Johnson  
301 East McCarty  
P. O. Box 1438  
Jefferson City, MO 65102

W. R. England  
Sondra B. Morgan  
312 East Capitol Avenue  
Jefferson City, MO 65102

James C. Stroo  
GTE Telephone Operations  
1000 GTE Drive, P. O. Box 307  
Wentzville, MO 63385

Paul G. Lane/Diana J. Harter  
Leo J. Bub/Anthony K. Conroy  
Southwestern Bell Telephone Co.  
100 North Tucker, Room 630  
St. Louis, MO 63101-1976

Linda K. Gardner  
United Telephone Company  
5454 W. 110th Street, 10th Floor  
Overland Park, KS 66211

Paul S. DeFord  
Lathrop & Gage  
2345 Grand Blvd., Ste. 2500  
Kansas City, MO 64108

Carl J. Lumley  
Leland B. Curtis  
130 S. Berniston, Ste. 200  
Clayton, MO 63105

Stephen F. Morris  
MCI Telecommunications Corporation  
701 Brazos, Suite 600  
Austin, TX 78701

Julie Grimaldi  
Julie Thomas Bowles  
Sprint Communications Company  
8140 Ward Parkway, 5E  
Kansas City, MO 64114

Paul H. Gardner  
131 East High Street  
Jefferson City, MO 65101

Douglas Trabaris  
Madelon Kuchera  
Teleport Communications Group  
233 S. Wachter Dr., Suite 2100  
Chicago, IL 60606

The Office of the Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102