

Big River Telephone Company, LLC,
Complainant,
v.
Southwestern Bell Telephone, L.P.,
d/b/a AT&T Missouri,
Respondent.

Case No. TC-2012-0284

ORDER SETTING PROCEDURAL SCHEDULE AND ESTABLISHING ADDITIONAL PROCEDURAL REQUIREMENTS

Issue Date: August 20, 2012

Effective Date: August 20, 2012

On March 1, 2012, Big River Telephone Company, LLC (“Big River”) filed a complaint with the Missouri Public Service Commission (“Commission”) against Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (“AT&T”). The Commission issued notice and established various filing deadlines, including those for a proposed procedural schedule.

On August 16, 2012, the parties jointly filed a proposed procedural schedule. The Commission will adopt the proposals with modifications and establish additional procedural requirements. The Commission will issue a *Discovery Order* at a later time setting deadlines and requirements relating to discovery.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Date	Event
Sept. 28, 2012	Big River and AT&T Direct Testimony
Oct. 19, 2012	Big River and AT&T Rebuttal Testimony
Nov. 9, 2012	Staff Testimony directed to both Complaints
Nov. 30, 2012	Big River and AT&T Surrebuttal Testimony
Dec. 14, 2012	List of Issues, List of Witnesses, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements, Time Limits on Opening Statements and Cross/Redirect Examinations
Dec. 14, 2012	Joint Stipulation of Non-Disputed Material Facts
Dec. 21, 2012	Position Statements
Jan. 4, 2013	All Hearing Exhibits filed in EFIS by 11:59 p.m. (except for impeachment during cross)
Jan. 8-9, 2013	Evidentiary Hearing
Jan. 14, 2013	Expedited Transcripts
Jan. 28, 2013	Simultaneous Post-Hearing Briefs
Jan. 31, 2013	Proposed Order including Proposed Findings of Fact and Conclusions of Law (optional for Staff)
Feb. 7, 2013	Reply Briefs

2. The evidentiary hearing is scheduled for January 8-9, 2013, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The parties shall comply with the following additional procedural requirements:

- A. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such

testimony, exhibits or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

- B. Workpapers that were prepared in the course of developing a witness' testimony should not be filed with the Commission but should be submitted to each party within 2 business days following the filing of the particular testimony without further request. Workpapers containing highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.
- C. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- D. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- E. The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- F. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- G. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.
- H. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to

the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

- I. The parties shall pre-number their hearing exhibits sequentially with individual party designation, as follows by example:
 - a.) Big River Exhibit No. 1, Big River Exhibit No. 2, Big River Exhibit No. 3, etc.
 - b.) AT&T Exhibit No. 1, AT&T Exhibit No. 2, AT&T Exhibit No. 3, etc.
 - c.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- J. Each party shall prepare a comprehensive exhibit list before the evidentiary hearing with the listed exhibits numbered sequentially as directed in paragraph I. Copies of the exhibit lists shall be provided to the Commissioners and the Regulatory Law Judge at least two days prior to the hearing and to the Court Reporter at the beginning of the hearing.

4. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of August, 2012.