

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of October, 1997.

In the Matter of the Application)	
of Max-Tel Communications, Inc.)	
for a Certificate of Service)	
Authority to Provide Basic Local)	<u>Case No. TA-97-342</u>
Telecommunications Service in)	
Portions of the State of Missouri)	
and to Classify Said Services and)	
the Company as Competitive.)	

ORDER TO RESPOND TO REQUESTS FOR ADDITIONAL INFORMATION

On October 9, 1997, the Commission convened a hearing in this matter for the purpose of considering basic local service tariffs. During that hearing the Commission's Telecommunications Department Staff (Staff) was questioned regarding the financial resources and abilities of the applicant to provide service in the State of Missouri. Because this information was not readily available, Staff was ordered to provide a late-filed exhibit which would set out "[w]hat Staff used to determine that this company is financially able to provide the service." At the hearing, the presiding officer or a Commissioner may require the production of further evidence upon any issue. See 4 CSR 240-2.130(14).

On October 17, Staff made a filing which consisted of a cover letter and attached to it was a 2 1/2 page document captioned "Late-Filed Exhibit of the Staff Addressing Questions Posed by Commissioner Crumpton Hearing of October 9, 1997." This late-filed exhibit was neither signed nor verified. In addition, this document does not respond to the question posed, but rather offers the Staff's explanation for being unprepared to

answer the Commissioner's question as well as Staff's elaborations as to why it believes the Commissioner's question is irrelevant. As such, this pleading is non-responsive and places Staff in the precarious position of being in violation of a Commission order and in contempt of the Commission.

The Commission will grant the Staff an additional five days to respond to the initial order for information as issued from the bench. Staff's response shall include the above-referenced late-filed exhibit. However, this exhibit shall be subscribed and sworn by the Staff member responsible for the production of this document. Staff shall also provide a second late-filed exhibit which answers the question posed from the bench, to wit: "I'd like to know from his workpapers what Staff used to determine that this company is financially able to provide the service." If Staff is again unable or unwilling to provide the information as ordered, it may, in the alternative, show cause why it should not be held in contempt for failure to comply with the Commission order.

IT IS THEREFORE ORDERED:

1. That the Telecommunications Department Staff and its legal counsel shall resubmit the late-filed exhibit which it filed on October 17, 1997, and the refiled document shall be subscribed and sworn by the Staff member responsible for its production.

2. That the Telecommunications Department Staff shall respond to the question posed from the bench at the hearing on October 9, 1997, as set out on lines 4 through 7 of page 38 of the transcript in this case.

3. That, in the alternative, if Staff is unable to comply with Ordered paragraphs no. 1 and 2, it shall file a pleading to show cause why it should not be held in contempt for failure to do so.

4. That the response to this order shall be filed not later than November 4, 1997.

5. That this order shall become effective on October 29, 1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright", written over the typed name.

Cecil I. Wright
Executive Secretary

(S E A L)

Lumpe, Ch., Crumpton,
Murray, and Drainer, CC., Concur.

Roberts, Chief Regulatory Law Judge