

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

In the Matter of the Name Change of Opex) **File No. XN-2011-0074**
Communications, Inc. d/b/a TCI Long Distance) Tracking No. YX-2011-0125

NOTICE OF CONTESTED CASE

Issue Date: October 8, 2010

Effective Date: October 8, 2010

The Commission is giving notice of the commencement of a contested case, which is a formal hearing procedure.

By order dated October 6, 2010, the Commission suspended the tariff for which this file opened. The Commission shall suspend a tariff only in conjunction with:

. . . a hearing concerning the propriety of such [tariff]; and pending such hearing and the decision thereon the commission, . . . and after full hearing, whether completed before or after the [tariff] goes into effect, the commission may make such order in reference to such [tariff] as would be proper in a proceeding initiated after the [tariff] had become effective [. ¹]

The order of suspension instituted a contested case because that order triggered the right to a “full” pre-decision hearing.²

The hearing is subject to waiver,³ as are other pre-decision procedural formalities,⁴ and a decision is also possible through stipulation and agreement.⁵ This

¹ Section 392.230.2, RSMo Supp. 2009.

² Section 536.010(4), RSMo 2000, and Section 536.063(1), RSMo Supp. 2009.

³ Section 536.060, RSMo 2000.

⁴ *Id.*

⁵ *Id.* and 4 CSR 240-2.115.

notice does not require any party to file an answer. Provisions governing discovery appear at the Commission's regulation 4 CSR 240-2.090.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', is positioned above the printed name and title.

Steven C. Reed
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 8th day of October, 2010.

Jordan, Senior Regulatory Law Judge