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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 17th day of February, 1999.

In the Matter of Missouri RSA No. 7 Limited Partnership d/b/a Mid-Missouri Cellular's Petition for Arbitration Pursuant to 47 U.S.C. Section 252 to Establish an Interconnection Agreement With Southwestern Bell Telephone Company.)
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) Case No. TO-99-279
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ORDER ESTABLISHING PROCEDURAL SCHEDULE

On December 21, 1998, Missouri RSA No. 7 Limited Partnership d/b/a Mid-Missouri Cellular (MMC) filed a petition with the Missouri Public Service Commission (Commission) for arbitration of the unresolved issues in the interconnection negotiations between MMC and Southwestern Bell Telephone Company (SWBT) pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. MMC requests that the Commission (a) arbitrate the unresolved issues identified in its petition; (b) act as arbitrator and establish an aggressive schedule for the arbitration; (c) enter an order adopting MMC's proposed Agreement for Inter-Office Interconnection, as modified and including MMC's recommended language; (d) order SWBT to repay MMC for all costs which MMC has to date been charged for the one-way (land-to-mobile only) Type 2B circuit in service in Sedalia, plus interest, and that, as of July 14, 1998, order SWBT to pay MMC for all traffic terminated by MMC

from that facility; and (e) grant such other relief as the Commission determines is fair, just and reasonable.

Because this case falls within the time guidelines contained in the Telecommunications Act of 1996, the operation of law date is April 14, 1999. Therefore, the Commission determines that an expedited procedural schedule is necessary. In addition, the Commission also deems it appropriate to modify some of its normal procedures in order to accommodate the unique concerns of this type of arbitration case. On February 4, 1999, MMC and SWBT filed a Jointly Proposed Procedural Schedule and Issues List. The Commission will adopt the procedural schedule as proposed by the parties and set out in the ordered paragraphs below. Further, the Commission finds that the following conditions shall be applied to the schedule.

A. Other than the Office of the Public Counsel (OPC), no entity shall be granted intervention or participation in this proceeding. The issues to be addressed are between the two parties negotiating the agreement and OPC. Interested persons will have an opportunity to address the agreement when it is filed for approval.

B. The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. Direct testimony will be filed by the parties simultaneously; there will be an opportunity for parties to file rebuttal testimony, also simultaneously. Testimony should address compliance with the Telecommunications Act of 1996. 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.

C. Because of the expedited nature of this proceeding, parties may deliver testimony and other pleadings to the Commission by means of Federal Express or other express delivery service in addition to hand delivery or U.S. Mail. Testimony and pleadings may be delivered to the parties in the same manner, or by FAX transmission. The Commission's rules will be modified to require parties to provide nine copies to the Commission of each document filed rather than the fourteen copies usually required.

D. The Commission is of the opinion that discovery in this case should generally conform to Commission procedure in arbitration cases filed earlier. There is not enough time to permit extensive discovery before the arbitration hearing. Each party may present its case and the Commission will decide the appropriate result. If a party fails to support its case, then it accepts the risk of an adverse decision. The Commission will therefore authorize only limited discovery for this proceeding.

No depositions will be permitted. If a party is unable to adequately prepare for hearing after reviewing the prefiled direct testimony, that party may file with the Commission a data request or requests accompanied by a pleading explaining why the requested information is essential. The Commission will review the data request and pleading and determine whether to forward the data request to the intended recipient. No data request pleading may be filed until after the filing of direct testimony.

E. The parties shall file an Issues Memorandum setting out the issues in dispute and the witnesses to appear on each day of the arbitration hearing, definitions of terms used in describing those issues, and each party's position on those issues.

F. Because this is an expedited proceeding, the parties will have a shortened time for the filing of post-arbitration briefs. There will be only one round of simultaneous briefs which will be due on March 31, 1999. It is appropriate to limit the length of the briefs to 30 pages. In order to assist the parties in meeting this schedule the Commission will order that preparation of the transcript be expedited.

All pleadings, briefs, and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

G. All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the arbitration hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and opposing counsel.

H. The Commission may issue its order in this arbitration proceeding with less than a ten-day effective date, since the provisions the Telecommunications Act of 1996 rather than the provisions of Sections 386.500.2 and 386.510, RSMo 1994, would apply regarding any review of the Commission's decision sought by an aggrieved party.

IT IS THEREFORE ORDERED:

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

Prefiled direct testimony (Simultaneous)	- February 23, 1999 3:00 p.m.
Prefiled rebuttal testimony (Simultaneous)	- March 9, 1999 3:00 p.m.
Issues Memorandum	- March 9, 1999
Arbitration hearing	- March 17-18, 1999 9:00 a.m. first day
Simultaneous briefs	- March 31, 1999

2. The arbitration hearing will be held in the Commission's hearing room 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 arbitration hearing at: Consumer Services Hotline — 1-800-392-4211 or TDD Hotline — 1-800-829-7541.

3. That this order shall become effective on February 23, 1999.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Lumpe, Ch., Drainer, Murray,
and Schemenauer, CC., concur.
Crumpton, C., absent.

Dippell, Senior Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION