

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

In the Matter of an Investigation for the	)	
Purpose of Clarifying and Determining Certain	)	
Aspects Surrounding the Provisioning of	)	Case No. TO-99-483
Metropolitan Calling Area Service After the	)	
Passage and Implementation of the	)	
Telecommunications Act of 1996.	)	

**GTE MIDWEST INCORPORATED'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

COMES NOW GTE Midwest Incorporated ("GTE") and respectfully submits its Proposed Findings of Fact and Conclusions of Law for the Commission's consideration in this proceeding.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact. The positions and arguments of all of the parties have been considered by the Commission in making this decision. Failure to specifically address a piece of evidence, position or argument of any party does not indicate that the Commission has failed to consider relevant evidence, but indicates rather that the omitted material was not dispositive of this decision.

The public policy considerations and needs addressed by this Commission in Case No. TO-92-306 still exist today, and it is in the public interest to issue an Order in this case that will clarify and facilitate the expeditious participation of Competitive Local Exchange Carriers ("CLECs") in the MCA Plan under the same terms and conditions as those imposed on Incumbent Local Exchange Carriers ("ILECs"). (Tr., 21, 25, 26, 48-49, 50, 55-56, 299-300, 313).

The geographic calling scope is an integral part of the MCA Plan that customers understand and clearly must be retained if MCA is to remain viable. (Tr. 196, 488, 742, 1149, 1183). If carriers wish to add exchanges for outbound calling, they are free to do so, but such offerings cannot be considered MCA. (Tr. 56, 209, 422, 487-488, 1149).

To be consistent with the Commission's Order in Case No. TO-92-306, all parties must comply with and participate in the current bill and keep intercompany compensation mechanism in place today, including CLECs who wish to participate in the MCA. (Tr. 114, 118, 354, 510, 893-894, 987, 1126, 1135).

The use of dedicated MCA NXX's remains the only reasonable method of providing MCA service and, while the Commission is cognizant of the concerns regarding number exhaustion, the continued utilization of this method will not put the industry in a jeopardy situation. (Tr. 398-399, 617, 699, 769-770, 853, 194). The Commission further finds that the Local Exchange Routing Guide ("LERG") is an appropriate mechanism to identify the MCA NXX codes at the present time. (Tr. 1150). However, the parties will be asked to address this issue in the context of an appropriate long-term solution, as a subject to be considered by the Industry Task Force (*Infra*).

To conform to the same terms and conditions of the MCA Plan, all carriers must adhere to the rates for MCA service as set out in Case No. TO-92-306. (Tr. 1138, 1195-1201). The parties will be asked to collect information during the course of the Industry Task Force to determine if pricing flexibility is appropriate. (Tr. 1209). Any pricing flexibility permitted under the MCA Plan must apply equally to all participating companies to ensure competitive neutrality. (Tr. 110-112, 515-516).

The Commission finds that the record in this proceeding supports the creation of an "Industry Task Force" to study the propriety and impacts of proposals and suggested changes regarding the

MCA Plan and its continued viability in the future. (Tr. 105-106). Accordingly, the Commission will create an Industry Task Force to study these issues, as fully set forth in the Ordered section herein.

Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law.

On December 23, 1992, the Commission ordered the implementation of Metropolitan Calling Area ("MCA") Plan in its Report and Order, In the Matter of the Establishment of a Plan for Expanded Calling Scopes in Metropolitan and Outstate Exchanges, Case No. TO-92-306, December 23, 1992. For the Three MCAs, the Commission explicitly defined the terms and conditions that would apply to MCA service. The Commission retains continuing jurisdiction to review the MCA Plan.

The fact that the MCA Plan was created before the passage of the Federal Telecommunications Act of 1996 ("Telecom Act") should not serve as an impediment to CLEC participation in the MCA Plan, nor should it serve as a rationale to undermine the uniformity of terms and conditions which are critical to the Plan's continued viability.

Chapter 392 RSMo provides this Commission with the authority to clarify and facilitate the expeditious participation of CLECs in the MCA Plan under the same terms and conditions as those imposed on ILECs, as fully set forth above.

Respectfully submitted,


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ATTORNEYS FOR
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 17th day of July, 2000, to counsel for all parties pursuant to the attached Service List.

