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June 14, 2002

Secretary of the Commission
Missouri Public Service Commission
200 Madison Street, Suite 100
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Jefferson City, Missouri 65102-0360

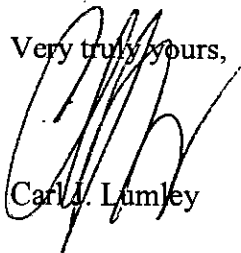
Via Federal Express
833736654397

Re: Case No. TT-2002-227

Dear Secretary of the Commission:

Enclosed please find for filing with you office an original and nine (9) copies of Motion to Strike Portions of SWBT's Reply Brief on behalf of NuVox Communications of Missouri, Inc., TCG St. Louis and TCG Kansas City in connection with the above-referenced proceeding. Upon your receipt, please process and return a file stamped copy of to the undersigned in the enclosed, self-addressed, stamped envelope. If you have any questions, please contact me.

Very truly yours,


Carl J. Lumley

CJL:dn
Enclosures
cc. Parties of Record (W/Enclosure)

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of Southwestern Bell Telephone)
Company's Proposed Revisions to PSC Mo.) Case No. TT-2002-227
No. 26, Long Distance Message) Tariff No. 200200300
Telecommunications Service Tariff.)

MOTION TO STRIKE PORTIONS OF SWBT'S REPLY BRIEF

Come Now NuVox Communications of Missouri, Inc., TCG St. Louis and TCG Kansas City and for their Motion to Strike Portions of SWBT's Reply Brief state to the Commission:

1. In footnote 10 of its Reply Brief, SWBT improperly goes outside the record of this case and makes unsupported allegations about the promotional tariff that NuVox filed upon the suspension of its tariff that is at issue herein. The record reflects that NuVox filed the tariff in December of 2001 (with discounts based on term commitments of one year) upon the suspension of the tariff at issue (which set forth discounts based on term commitments of up to three years). (Cadieux, Tr. 191). Passing reference was made to this tariff filing in CLECs' Initial Brief (page 14): "Accordingly, NuVox re-filed its proposed promotional tariff, restricting the discount to one-year commitments, in order to be able to do something pending resolution of this case." This statement fully comports with Mr. Cadieux's testimony. Nonetheless, SWBT describes this statement as "incredulous" (sic) and asserts that the NuVox tariff was only effective for seven days, from February 22, 2002 to March 1, 2002. (SWBT Reply Brief, p. 12). While it is unclear why SWBT felt it was important to make an issue out of this minor point in the CLECs' Brief, what is clear is that: (1) SWBT has gone outside the record in purporting to recite the details of this particular NuVox tariff; and (2) SWBT's recitation is incorrect. If the Commission were to check its files, it would find that NuVox filed its tariff on December 21, 2001, that it was assigned tariff number 200200520, and that it took effect on December 28,

2001 as per confirmation letter from the Commission dated January 7, 2002. The promotion ran through March 1 (as would have the original promotion). Hence, the promotion was available for more than 60 days, not merely seven days as SWBT erroneously asserts. Further, the promotion served the purpose described by Mr. Cadieux in his testimony and by the CLECs in their Initial Brief.

2. The Commission does not need to wrestle with this dispute. Instead, it should strike footnote 10 to SWBT's Reply Brief because it improperly presents matters outside the record of this case.

3. On page 13 of its Reply Brief SWBT again improperly goes outside the record of this case, this time making unsupported allegations about purported communications between itself and the TCG companies and their affiliate AT&T. After the hearing, SWBT did ask the TCG companies about the difference between certain access line counts, and in an effort to cooperate TCG voluntarily provided the explanation. The reason that it was the "only" explanation, as SWBT pejoratively describes it, is that it was the correct explanation. Copies of the involved correspondence are attached hereto. Notably, SWBT did not inquire of AT&T (which is not a party, did not receive discovery, and therefore did not respond in any way, much less in an way that was different from other sources). Hence, AT&T did not respond to SWBT. No additional response was required, beyond what the TCG companies provided, notwithstanding SWBT's attempt to impugn AT&T. SWBT could have asked for further proceedings when Staff offered late-filed Exhibit 23, if it felt it was necessary to delve into the differences between these numbers. SWBT failed to do so. Indeed, SWBT even went so far as to reserve its extra-record commentary to its Reply Brief in an unmistakable effort to prevent others from responding. Nonetheless, the Commission is left with different sets of numbers, with no explanation on the

record of the differences. As pointed out in the CLECs' Initial Brief (p. 27), the differences certainly call into question the reliability of the higher figures on which SWBT would have the Commission rely.

4. Again, the Commission does not have to deal with the apparent dispute over what has transpired between the parties on this particular subject, because it is all outside the record of this case. Accordingly, starting with "Although SWBT asked for...", the Commission should strike the remainder of the last paragraph of page 13 of SWBT's Reply Brief, including the portion that carries over to the top of page 14.


5. The Commission could also certainly strike the attachment to SWBT's Reply Brief, as it apparently something other than a reply brief and therefore is not a recognized filing under the procedural schedule in this case. Likewise, the Commission could strike the highly confidential portions of SWBT's Reply Brief (and its Initial Brief for that matter), which violate paragraph R of the Commission's Protective Order. However, such technicalities at least do not improperly invite the Commission to consider matters that lie totally outside the record of this case.

6. SWBT certainly takes other liberties in its Briefs, making extreme arguments with the most tenuous of connections to the record. However, CLECs have addressed these arguments in their Initial and Reply Briefs, supported by citations to the record (including the Commission's recent decision in Case No. TT-2002-108, which SWBT has in large part simply chosen to pretend was never issued by the Commission). In the two instances cited herein, SWBT has gone even further, straying completely outside the record and making assertions that are simply untrue. To eliminate the confusion that could otherwise be injected, the Commission should strike the provisions of SWBT's Reply Brief identified herein.

WHEREFORE, NuVox and the TCG companies pray the Commission to strike the identified portions of SWBT's Reply Brief.

Respectfully submitted,

CURTIS, OETTING, HEINZ,
GARRETT & O'KEEFE, P.C.

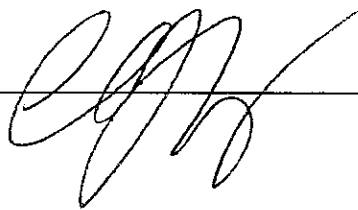


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Attorneys for NuVox Communications of Missouri, Inc.,
TCG St. Louis and TCG Kansas City

Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 14 day of June, 2002, by placing same in the U.S. Mail, postage paid.



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May 17, 2002

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via fax 247-0014

Re: Case No. TT-2002-227 et al

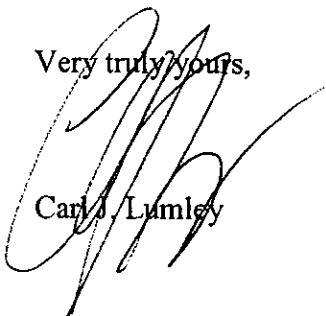
Dear Mimi:

This correspondence is in response to your letter dated May 13, 2002.

Please review our letter of May 7. The key distinction, which you overlook in your May 13 letter, is that Staff requested information on an exchange-by-exchange basis. This required the use of a different database.

The TCG companies continue to believe that they fully and accurately responded to SWBT's discovery. The numbers reported to Staff were unfortunately overstated, as has been explained to you.

Very truly yours,



Carl J. Lumley

CJL:dn

CC: Matt Kohly, Rebecca DeCook

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Mimi B. MacDonald
Senior Counsel

Southwestern Bell



VIA FACSIMILE

May 13, 2002

Mr. Carl J. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105

In re: Case Number TT-2002-227, et al.

Dear Carl:

I am in receipt of your letter dated May 7, 2002 in which you responded to my inquiry concerning TCG's response to SWBT's data requests. In Case No. TO-2001-467, Staff's Data Request 2501 requested the TCG companies to use an attached form to supply the number of voice grade equivalent access lines for pure resale, UNE Loop, UNE-P, and full facility based lines in each exchange. It further requested the TCG companies to provide data for both residential and business end user customers.

Similarly, in Case Number TT-2002-227, SWBT requested TCG Kansas City and TCG St. Louis to state the number of business lines served by each company. SWBT specified that this number should reflect voice grade equivalent lines just as Staff's request had indicated.

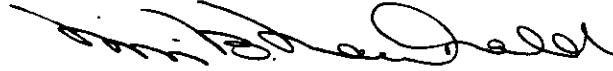
Thus, the two sets of data requests should have elicited an apples to apples comparison. However, in your letter dated May 7, 2002, you indicate that the data provided to Staff in Case No. TO-2001-467 was based on working telephone numbers in a switch which may include wholesale lines provided to other telecom provider(s), test lines, and internal lines provided to the TCG entities or affiliates. As the data requests in the two cases sought similar information, the answers from the TCG companies should have been based on the same data, updated to reflect current information. Moreover, given the wide disparity between the number of lines reported to Staff and the number of lines listed in response to SWBT's request, it seems highly unlikely that wholesale lines and internal lines would account for this difference.

I would appreciate it if you could provide me with an additional explanation as to why the two sets of data requests did not elicit the same responses and would ask that the TCG companies revise their response to SWBT's data request to accurately reflect the information sought. I am requesting this information in an attempt to refrain from bringing this matter to the attention of the Commission.

Mr. Carl J. Lumley
May 13, 2002
Page 2

If you have any questions, please do not hesitate to contact me. I can be reached at (314)235-4094.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mimi B. MacDonald". The signature is written in a cursive style with a large, looping initial "M".

Mimi B. MacDonald

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May 7, 2002

Mimi MacDonald
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via fax 247-0014

Re: Case No. TT-2002-227 et al

Dear Mimi:

This correspondence is in response to your letter dated May 1, 2002.

It is our understanding that the data provided to Staff in Case No. TO-2001-467 was based upon WTNs in a switch. That count included:

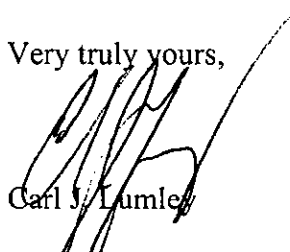
- wholesale lines provided to other telecom providers
- test lines
- internal lines provided to the TCG entities or affiliates

This WTN database was used because Staff wanted the data broken out by wirecenter.

It is our understanding that the data provided to SWBT in the above-referenced case excluded wholesale lines, test lines and internal lines, in order to capture retail lines in term plans. The data was compiled from a provisioning database.

We trust this addresses your concerns.

Very truly yours,



Carl J. Lumley

CJL:dn

CC: Matt Kohly, Rebecca DeCook