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September 25, 1997

**VIA AIRBORNE EXPRESS**

Mr. Cecil Wright  
Executive Secretary  
Missouri Public Service Commission  
301 W. High Street  
5th Floor, Room 530  
Jefferson City, MO 65101

**FILED**  
**SEP 26 1997**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

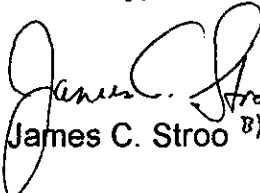
**Subject: IN THE MATTER OF AN INVESTIGATION INTO THE PROVISION OF  
COMMUNITY OPTIONAL CALLING SERVICE IN MISSOURI.  
CASE NO. TW-97-333**

Dear Mr. Wright:

Enclosed for filing is the original and fourteen copies of GTE Midwest Incorporated's Reply to Notion (sic) of Vacation of FCC Intrastate IntraLATA Toll Dialing Parity Requirements in the above referenced case.

Thank you for your assistance in this matter.

Sincerely,

  
James C. Stroo <sup>BY RZ</sup>

JCS:sah  
Enc.

c: Carolyn Little - Jefferson City, MO

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED  
SEP 26 1997  
MISSOURI  
PUBLIC SERVICE COMMISSION

IN THE MATTER OF AN )  
INVESTIGATION INTO THE )  
PROVISION OF COMMUNITY ) CASE NO. TW-97-333  
OPTIONAL CALLING SERVICE )  
IN MISSOURI. )

**GTE MIDWEST INCORPORATED'S REPLY**  
**TO NOTION (sic) OF VACATION OF FCC INTRASTATE INTRALATA**  
**TOLL DIALING PARITY REQUIREMENTS**

COMES NOW GTE Midwest Incorporated ("GTE") and files its Reply to the Mid-Missouri Group's notice of the decision dated August 22, 1997 by the United States Court of Appeals for the Eighth Circuit in Case No. 96-3519 The People of the State of California, et al, v. The Federal Communication Commission, et al. GTE states as follows:

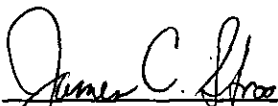
1. The Mid-Missouri Group argues that the Eighth Circuit order will have a number of impacts. They state that LECs (i) do not have to implement intraLATA toll dialing parity by August 8, 1997; and (ii) are allowed to automatically assign customers intraLATA traffic to themselves and are not required to implement intraLATA toll dialing parity unless and until this Commission mandates it. Both of these points warrant correction.
2. First, GTE has already instituted intraLATA equal access because FCC rules required it to do so by August 8, 1997, and those rules were not vacated until August 22, 1997. Moreover GTE had requested implementation of dialing parity even before the FCC had ordered such implementation. This Commission approved GTE's request to implement dialing parity and GTE has done so by the FCC mandated deadline. That fact

changes the situation with regard to COS regardless of the Eighth Circuit's decision in Case No. 96-3519.

3. Second, Section 251(b)(3) of the Telecommunications Act of 1996 obligates all local exchange carriers to provide dialing parity to competing providers of telephone exchange service and telephone toll service. While it may be reasonable to assume that some implementation period is necessary, the fact is that under the statute all local exchange carriers have that obligation currently. Therefore, Section 251(b)(3) prohibits LECs from automatically assigning a customer's intraLATA traffic to themselves. The Eighth Circuit has reserved implementation of the dialing parity obligation in Missouri to the Commission, not the FCC. Accordingly this Commission could set a different implementation schedule than the FCC. Nevertheless, intraLATA toll dialing parity must be implemented pursuant to Section 251.

Respectfully submitted,

GTE MIDWEST INCORPORATED

  
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Its Attorney

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was delivered via Airborne Express to Cecil Wright, Executive Secretary, Missouri Public Service Commission, 301 W. High Street, Room 530, Jefferson City, Missouri 65101 and was mailed, postage prepaid, this 25th day of September, 1997, to the following:

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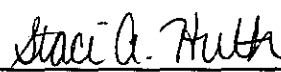
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TW-97-333