

CURTIS, OETTING, HEINZ, GARRETT & SOULE, P. C.  
ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200  
ST. LOUIS, MISSOURI 63105

(314) 725-8788

FACSIMILE (314) 725-8789

www.cohgs.com

CARL J. LUMLEY

EMAIL ADDRESSES

clumley@cohgs.com

MCI MAIL (CLUMLEY / MCI ID: 505-3023)

0005053023@MCI MAIL.COM

October 26, 1999

Dale Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Truman State Office Building, 5th Floor  
301 West High Street  
Jefferson City, Missouri 65101-1517

FILED<sup>3</sup>

OCT 27 1999

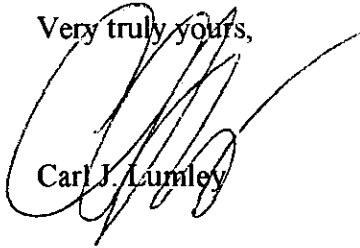
Missouri Public  
Service Commission

Re: Case No. TC-2000-294

Dear Mr. Roberts:

Enclosed please find for filing with the Commission an original and fifteen copies of Motion to Consolidate Complaint Cases of BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc. Upon your receipt, please file stamp the extra copy received and return to the undersigned in the enclosed, self-addressed, stamped envelope. If you have any questions, please do not hesitate to contact us.

Very truly yours,

  
Carl J. Lumley

CJL:dn

Enclosures

cc. Office of Public Counsel (W/Enclosures)  
General Counsel (W/Enclosures)  
SWBT (W/Enclosures)  
MCIWC (W/Enclosures)  
Brooks (W/Enclosures)  
Colleen Dale (W/Enclosures)

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED<sup>3</sup>

OCT 27 1999

BroadSpan Communications, Inc., )  
d/b/a Primary Network Communications, Inc., )  
 )  
vs. )  
 )  
Southwestern Bell Telephone Co., )

Case No. TC-2000-294

Missouri Public  
Service Commission

**MOTION TO CONSOLIDATE COMPLAINT CASES**

COMES NOW, BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc. (PNC), by and through its attorneys pursuant to 4 CSR 240-2.080 and for its Motion to Consolidate states:

1. On or about October 21, 1999, PNC filed the above referenced complaint with the Commission against Southwestern Bell Telephone Co. (SWBT).
2. On or about September 10, 1999, MCIWC filed a similar complaint with the Commission against SWBT, which was docketed as Case No. TC-2000-225.
3. On or about September 10, 1999, Brooks Fiber Communications of Missouri, Inc. (Brooks) also filed a similar complaint against SWBT, which was docketed as Case No. TC-2000-226, and subsequently consolidated with Case No. TC-2000-225.
4. All three complaints deal with the same subject issue, to wit: failure of SWBT to remit reciprocal compensation to complainants under their interconnection agreements for calls placed by SWBT's customers to complainants' ISP customers. All three complaints involve similar legal and factual issues. PNC's Complaint is based on identical contract language as the Brooks Complaint, in that PNC adopted the reciprocal compensation section of the Brooks/SWBT Interconnection Agreement.
5. SWBT is the sole and common Respondent in all three complaints.

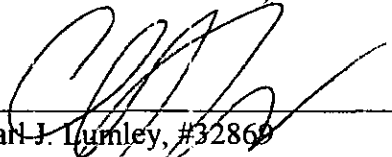
6. Judicial economy is served and advanced by consolidating this complaint with the MCIWC and Brooks matters.

7. Outside counsel for PNC also represents MCIWC and Brooks and hereby represents that MCIWC and Brooks consent to such consolidation.

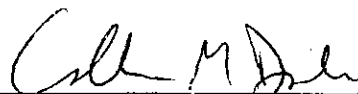
WHEREFORE, BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc., respectfully requests that the Commission grant its Motion to Consolidate.

Respectfully submitted,

CURTIS, OETTING, HENIZ,  
GARRETT & SOULE, P.C.



Carl J. Lumley, #32869  
Leland B. Curtis, #20550  
130 South Bemiston, Suite 200  
Clayton, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (Fax)

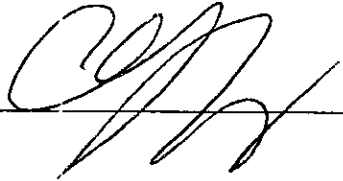


Colleen M. Dale, #31624  
BroadSpan Communications, Inc.  
d/b/a Primary Network Communications, Inc.  
11756 Borman Drive, Suite 101  
St. Louis, Missouri 63146  
(314) 214-0066  
(314) 569-7110 (FAX)

Attorneys for BroadSpan Communications, Inc.  
d/b/a Primary Network Communications, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Motion to Consolidate Complaint Cases has been sent to all parties of record by first class U.S. Mail on the 26 day of October, 1999.



A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke at the end, positioned above a horizontal line.

**PARTIES OF RECORD:**

Office of Public Counsel  
Missouri Public Service Commission  
P.O. Box 7800  
Jefferson City, MO 65102

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Legal Department  
Southwestern Bell Telephone Company  
One Bell Center, Room 3520  
St. Louis, MO 63101

Carl J. Lumley  
Curtis, Oetting, Heinz, Garrett & Soule  
130 S. Bemiston, Suite 200  
St. Louis, MO 63105