

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 22, 2000**

CASE NO: TO-2000-667

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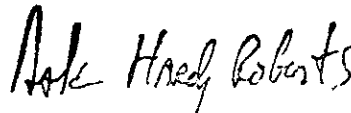
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of August, 2000.

| | | |
|---|---|------------------------------------|
| In the Matter of the Investigation into the |) | |
| Effective Availability for Resale of South- |) | |
| western Bell Telephone Company's Local Plus |) | <u>Case No. TO-2000-667</u> |
| Service by Interexchange Companies and |) | |
| Facilities-Based Competitive Local Exchange |) | |
| Companies |) | |

**ORDER RECOGNIZING ISSUES
AND DIRECTING FILING OF PROCEDURAL SCHEDULE**

The Commission created this case for the purpose of investigating the effective availability for resale of Southwestern Bell Telephone Company's (SWBT) Local Plus service by interexchange carriers and facilities-based competitive local exchange companies. On April 20, 2000, the Commission issued an order that made SWBT a party and directed that notice of this case be given to all telecommunications companies certificated to do business in the state of Missouri. The Missouri Independent Telephone Company Group (MITG), the Small Telephone Company Group (STCG), ALLTEL Communications, Inc. (ALLTEL), and AT&T Communications of the Southwest, Inc. (AT&T) were subsequently permitted to intervene.

The applications to intervene filed by MITG and STCG indicated that they were interested in several issues that had not been raised in the tariff case that led to the creation of this case. Following a prehearing conference on June 27, the Commission, on its own motion, issued an order that directed the parties to file suggestions regarding possible limitations that the Commission should place on the issues to be addressed in this case. In compliance with the Commission's order, AT&T, the Staff

of the Commission (Staff), SWBT, MITG, STCG, and ALLTEL filed suggestions. Subsequently MITG, STCG and the Office of the Public Counsel (Public Counsel) filed replies to the initial suggestions.

STCG's suggestions raised the following issues:

- (A) What constitutes the resale of Local Plus?
- (B) How will CLECs and IXC's be considered 'facilities based' resellers?
- (C) What facilities will be used in the resale of Local Plus?
- (D) What obligations does SWBT have to other LECs to compensate them for 'resold' Local Plus traffic terminating in their exchanges?
- (E) Will deviations from the approved Local Plus calling scopes be permitted?
- (F) What records will be made of 'resold' Local Plus traffic and who will be responsible for delivering them?

MITG raised similar issues regarding:

who will be responsible for terminating compensation, how the resellers and/or SWBT will record this traffic, identify it as traffic for which intraLATA terminating access is due for LECs, and what systems will be utilized for creating records, possibly passing records, and billing and collecting for terminating compensation.

SWBT suggests that the issues be limited to those raised by AT&T in the Local Plus promotional tariff case. Thus, the issues would be limited to those regarding the process by which SWBT has made Local Plus available for resale. SWBT suggests that the other issues raised by STCG and MITG should best be addressed in Case No. TO-99-593, the Commission's investigation into signaling protocols, call records, trunking arrangements and traffic measurement. Staff and AT&T filed suggestions that essentially agree with SWBT's position. ALLTEL filed a pleading indicating that it was

taking no position. Public Counsel suggests that the focus of this case should be on the issues carried over from the Local Plus promotional tariff case. However, Public Counsel believes that a party should be able to raise any issue that it sees fit to raise and therefore supports the right of MITG and STCG to submit their issues to the Commission.

After considering the suggestions of the parties, the Commission has concluded that the issues raised by MITG and STCG may appropriately be addressed in this case. The Commission will not act to limit the issues to be considered.

A Commission order issued on May 24, directed the parties to file a proposed procedural schedule no later than July 11. On July 6, ALLTEL and AT&T jointly filed a proposed procedural schedule. STCG and MITG filed separate proposed procedural schedules on July 11. On July 7, SWBT and Staff filed separate motions asking that the Commission defer establishing a procedural schedule until after deciding whether or not to limit the issues. SWBT and Staff argue that the scope of the issues to be addressed will affect the length of the procedural schedule. SWBT's and Staff's arguments are well taken. Now that the question of the issues to be addressed has been resolved, the parties will again be given the opportunity to submit a proposed procedural schedule. The Commission requests that the parties consult with each other to reach agreement concerning the proposed procedural schedule. If such agreement is not possible, the parties may file separate proposed procedural schedules.

IT IS THEREFORE ORDERED:

1. That Staff's Motion to Suspend Filing Date for Proposed Procedural Schedule and Southwestern Bell Telephone Company's Motion to Extend the Time to File a Procedural Schedule are granted.

2. That the parties shall file a proposed procedural schedule no later than September 1, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

3. That this order shall become effective on September 1, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Schemenauer, and Simmons, CC., concur
Murray, C., dissents with opinion

Woodruff, Regulatory Law Judge

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

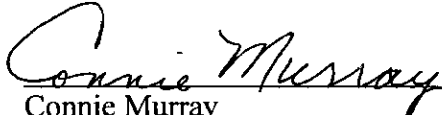
In the Matter of the Investigation into the)
Effective Availability for resale of Southwestern)
Bell Telephone Company's Local Plus Service by)
Interexchange Companies and Facilities-Based)
Competitive Local Exchange Companies.)

Case No. TO-2000-667

Dissenting Opinion of Commissioner Connie Murray

I agree with Southwestern Bell Telephone Company (SWBT), the Staff of the Commission (Staff) and AT&T Communications of the Southwest, Inc. (AT&T), that the issues should be limited to those raised by AT&T in the Local Plus promotional tariff case. This case should address only the process by which SWBT has made Local Plus available for resale. The other issues raised by The Missouri Independent Telephone Company Group (MTIG) and the Small Telephone Company Group (STCG) should best be addressed in Case No. TO-99-593. Therefore, I respectfully dissent from the majority's recognition of issues although I agree that we should grant Staff's and SWBT's motions regarding the filing of a procedural schedule.

Respectfully submitted,


Connie Murray
Commissioner

Dated in Jefferson City, Missouri,
on this 22nd day of August, 2000.

ALJ/Sec'y: Woodruff/Boyle
Date Circulated: 8-16 CASE NO.: TD-2000-667
Lampe, Chair: SL
Drainer, Vice Chair: add
Murray, Commissioner: in NO Dissent to Attach
Schemenauer, Commissioner: GS
Simmons, Commissioner: KS
Agenda Date: 8-22
Action taken: 4-1 AS dissent attached
Must Vote Not Later Than: _____

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 22nd day of August 2000.

Dale Hardy Roberts
Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge