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July 7, 2000

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Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TO-2000-667

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STAFF'S SUGGESTIONS REGARDING LIMITATION OF ISSUES AND MOTION TO SUSPEND FILING DATE FOR PROPOSED PROCEDURAL SCHEDULE.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Wm K Haas

William K. Haas
Deputy General Counsel
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WKH/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

JUL 07 2000

Missouri Public
Service Commission

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

**STAFF'S SUGGESTIONS REGARDING LIMITATION OF ISSUES AND MOTION TO
SUSPEND FILING DATE FOR PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Suggestions states:

1. On September 20, 1999, Southwestern Bell Telephone Company (SWBT) issued a revision to its tariff that proposed to offer a discount on the Local Plus monthly rate to business customers who have more than one line. On September 29, 1999, AT&T Communications of the Southwest, Inc. (AT&T) filed a motion to reject or suspend the proposed tariff filing. The motion contended that AT&T had been unable to successfully order Local Plus on a wholesale basis. That motion initiated Case No. TT-2000-258. In a Report and Order in Case No. TT-98-351, the Missouri Public Service Commission (Commission) found that "imputation of access charges would not be necessary if this type of service is available for resale at a wholesale discount to CLECs and IXC's." The Commission suspended SWBT's Local Plus tariff and set the matter for hearing.

2. The parties addressed seven issues in Case No. TT-2000-258. The Commission in its Report and Order found that four of those issues related not to SWBT's promotional offering but instead related to the underlying Local Plus service. In particular, those issues related to whether SWBT has effectively made Local Plus available for resale to IXC's and CLECs who would like to provide those services as an unbundled network element. Accordingly, the Commission established Case No. TO-2000-667 for Staff to investigate the effective availability for resale of Local Plus by IXC's and CLECs.

3. The Commission convened a prehearing conference in Case No. TO-2000-667 on June 27, 2000. At the prehearing conference, and in a subsequent Order Granting Intervention And Directing Parties To File Suggestions Regarding Issues To Be Addressed In This Proceeding, the parties were directed to file, no later than July 7, 2000, written suggestions regarding any limitations that the Commission should place on the issues to be addressed in this case in view of the additional issues raised by the Missouri Independent Telephone Company Group (MITCG) and the Small Telephone Company Group (STCG) in their applications to intervene. Responses are due no later than July 17, 2000.

4. The Staff suggests that the issues in this case should be limited to issues related to the availability of Local Plus for resale such as the four following issues which the Commission deferred in Case No. TT-2000-258:

- A) **Is SWBT's Local Plus [promotion] effectively available for purchase by IXC's and CLECs on both a resale and unbundled network element basis?**
- B) **In order for [a] Local Plus [promotion] to be considered effectively available for resale, must it be available for resale at parity with SWBT's mechanized**

pre-order, ordering, and provisioning systems? If yes, should SWBT be ordered to develop mechanized systems with a specific timeframe?

- C) If mechanized systems are not required at this time, should SWBT be required to provide complete manual pre-order, ordering, and provisioning support to [AT&T] purchasers, including real-time firm order commitment, in the provisioning of [the] Local Plus [promotion] until such time as mechanized systems are implemented?**
- D) What are the appropriate terms of a SWBT service agreement for the resale of the Local Plus by an IXC or CLEC?**

The above minor revisions to the phrasing of the issues in Case No. TT-2000-258 reflect that Case No. TT-2000-258 concerned AT&T's objection to SWBT's Local Plus promotion.

5. In their respective motions to intervene in Case No. TO-2000-667 both MITCG and STCG expressed their interest in the impact of different potential resale structures upon compensation for Local Plus traffic. These statements were apparently offered to explain MITCG and STCG's interest in the case as required by 4 CSR 240-2.075, the Commission's rule on intervention. However, the Staff opposes the use of these statements of interest as a vehicle to re-try Case No. TT-98-351 concerning the merits of Local Plus service. Both MITCG and STCG were parties in that case. SWBT's Local Plus tariff filing became effective by operation of law on November 29, 1998. The current investigation and sub-issues should be limited to answering the primary issue of whether Local Plus service is available for resale.

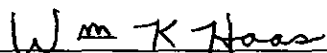
6. On May 24, 2000, the Commission issued an Order directing the parties to file a proposed procedural schedule no later than July 11, 2000. The Staff requests that the filing

deadline be suspended until after the Commission determines any limitations that should be placed on the issues to be addressed, which determination will likely impact the time needed to prepare for and to conduct a hearing.

WHEREFORE, the Staff requests the Commission to adopt the Staff's suggestions regarding limitation of issues and to suspend the filing deadline for the parties to file a proposed procedural schedule.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 7th day of July 2000.

Wm K Naas

**Service List for
Case No. TO-2000-667
July 7, 2000**

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