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July 17, 2000

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

Re: TO-2000-667

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find an original and eight copies of the Small Telephone Company Group's Responses to the Suggestions Regarding the Issues in this Case.

Please see that this filing is brought to the attention of the appropriate Commission personnel. Copies of the enclosed document are being provided to counsel of record. I thank you in advance for your cooperation in this matter.

Sincerely,

*Brian T. McCartney*

Brian T. McCartney

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Enclosure

cc: Counsel of Record

**FILED<sup>2</sup>**  
JUL 17 2000  
Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

JUL 17 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

RESPONSES TO SUGGESTIONS REGARDING THE ISSUES IN THIS CASE

COMES NOW the Small Telephone Company Group ("STCG"), pursuant to the Missouri Public Service Commission's ("Commission") June 28, 2000 Order, and submits the following Responses to Suggestions Regarding Issues to be Addressed in this Case:

1. Procedural Schedule. AT&T argues that attempting to resolve the issues raised by the STCG in this case will significantly delay the procedural schedule. This is simply not true. In fact, the STCG has concurred with AT&T's proposed procedural schedule, and the STCG believes that AT&T's proposed schedule allows sufficient time for the Commission and the parties to address *all* of the issues identified in this case.

2. The issues presented by the STCG in this case do not involve complex calculations or lengthy discovery. For example, the STCG seeks a Commission decision as to what constitutes "resold" Local Plus service, and it is hard to imagine why a final order addressing the "availability for resale" of a service would not define what "resale" of the service meant.

3. Because SWBT is responsible for providing records of "resold" Local Plus service, the Commission need only consider the question of whether SWBT or the originating entity will be responsible for paying compensation and providing appropriate records when Local Plus is provisioned on a basis other than resale. This determination should not delay the Commission's

decision in this case. Moreover, addressing the issues in this case rather than a separate case is likely to save the Commission's time and resources. See 4 CSR 240-2.110(3)

4. Case No. TO-99-593 ("the Network Case"). AT&T and SWBT argue that the issues raised by the STCG should wait until the resolution of Case No. TO-99-593, the network case. Unfortunately, the resolution of the network case is a long way off. In the meantime, traffic continues to terminate to the STCG member companies' exchanges, and no one is paying for it. Since the termination of the PTC Plan, Missouri's small ILECs have been experiencing a growing discrepancy between the local traffic terminating to them over SWBT's interconnection and the traffic for which they are provided terminating records or compensation. Neither SWBT nor the other carriers are making any arrangements to provide terminating records or terminating compensation to the small LECs for traffic that other carriers, pursuant to interconnection agreements, hand off to SWBT for termination to small LECs.

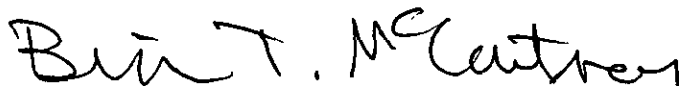
5. Staff's Argument. Staff claims that the STCG is attempting to "re-try Case No. TT-98-351 concerning the merits of Local Plus service." This is not true. The STCG objected to SWBT's Local Plus service in Case Nos. TT-98-351 and TT-99-191 because the service violated the Primary Toll Carrier ("PTC") plan in that Local Plus was not being offered to customers in the STCG member companies' exchanges. This objection no longer exists now that the PTC plan has been terminated, and Staff apparently misunderstands the STCG's current concerns about Local Plus. In this case, the STCG seeks to ensure that its member companies receive appropriate records and compensation for Local Plus traffic.

6. Finally, Missouri administrative procedure law (§ 536.063(3) RSMo 1994) and past Commission practice allow the parties to frame the issues in a contested case. The STCG concurs

with Public Counsel's explanation: "litigants have the right to raise all relevant and material issues in any case so that the PSC may consider the issues . . . The PSC should err on being too inclusive rather than exclusive." (Public Counsel's Suggestions, filed July 14, 2000)

WHEREFORE, the Small Telephone Company Group respectfully requests that the Commission issue an Order: (1) recognizing the issues raised in the STCG's application to intervene as appropriate matters for determination in this case, and (2) for such other orders as are appropriate in the circumstances.

Respectfully submitted,



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Attorneys for the Small Telephone Company Group

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 17<sup>th</sup> day of July, 2000 to:

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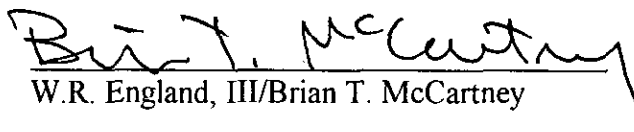
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