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July 6, 2000

FILED³
JUL 06 2000
Missouri Public
Service Commission

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

Re: Case No. TO-2000-667

Dear Mr. Roberts:

Enclosed for filing in above referenced matter, please find an original and eight (8) copies of the Small Telephone Company Group's Suggestions Regarding the Issues in this Case.

A copy of the attached will be provided to parties of record.

Please see that this filing is brought to the attention of the appropriate Commission personnel. I thank you in advance for your cooperation in this matter.

Sincerely,

Brian T. McCartney
Brian T. McCartney

BTM/da
Enclosure
cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
JUL 06 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

SUGGESTIONS REGARDING THE ISSUES IN THIS CASE

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

1. In a *Report and Order* issued May 6, 2000 in Case No. TT-2000-258, the
Commission created this case to investigate the effective availability for resale of Southwestern
Bell Telephone Company's ("SWBT") Local Plus service by interexchange carriers ("IXCs") and
facilities based competitive local exchange carriers ("CLECs").

2. On April 20, 2000, the Commission issued an Order allowing proper parties 20 days
to file applications to intervene. On May 9, 2000, the STCG timely filed its Application to
Intervene pursuant to 4 CSR 240-2.075 alleging that the issues in this case will directly affect the
STCG member companies' interests as providers of telecommunications services in a number of
respects. The STCG's Application to Intervene noted a number of areas where a final order
arising from the case could adversely affect the interests of the STCGs' member companies.
Specifically, the STCG stated:

A. The conversion of intraLATA toll traffic to Local Plus traffic may significantly impact the STCG's intraLATA terminating access revenues. For this reason, the STCG is interested in the issues relating to the resale of Local Plus. The STCG is particularly concerned about the different potential resale structures upon compensation for Local Plus traffic to the STCG members. Specifically, the STCG is interested in what manner Local Plus will be resold, in what manner CLECs and IXC's will be considered "facilities-based" resellers, what deviations from the approved Local Plus calling scopes and patterns will be permitted, whether resale will be configured or structured in such a manner that the "reselling" entity, as opposed to SWBT, will be responsible for terminating compensation, what facilities will be utilized in routing this traffic for termination, what recording systems will be utilized, what records will be made, who will be responsible for delivering or passing such records, and the integration of such systems into existing systems in use between IXC's, CLECs, and ILECs.

B. The STCG is interested in the impact of interconnection or resale agreements between SWBT and CLECs or IXC's that cover or address traffic destined for termination on the network of the LECs which are not parties to the interconnection or resale agreement, as such may have the ability to discriminate against non-parties to the interconnection agreement in that they may preclude or prejudice the ability of the other LECs to assure their access tariffs are complied with, or preclude their ability to assure compensation is appropriately paid.

3. None of the parties to the case opposed the STCG's intervention, and none of the parties to the case objected that the issues raised by the STCG were inappropriate or beyond the scope of the case.

4. On May 24, 2000, STCG was granted intervention in this case in accordance with 4 CSR 240-2.075(4). At this time, the Commission found that the STCG has "an interest in the proceeding that is different from that of the general public and which may be adversely affected by a final order arising from this case." Furthermore, the Commission observed that granting the STCG's request to intervene "would serve the public interest."

5. On June 27, 2000, during the early prehearing conference, the parties were directed to file written suggestions regarding the possible limitations of the issues to be addressed in this

case. The parties were specifically directed to address the “additional” issues raised by the STCG in its application to intervene.

SUGGESTIONS

6. The Commission opened this case to investigate the effective availability for resale of SWBT’s Local Plus service, and the issues raised by the STCG are directly related to this investigation. Specifically, any Commission order concerning the resale of Local Plus in this case should address these threshold 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?

These issues are clearly related to the effective availability of Local Plus, and for the sake of administrative efficiency and judicial economy, the Commission should address these issues in this case rather than a separate case.

7. Curiously, the Commission granted the STCG’s application to intervene on May 24, 2000, which clearly set forth the issues of concern to the STCG, yet the Commission’s June 28 Order refers to these issues as “additional” issues raised by the STCG. It is even more unusual that the Commission has ordered the parties to address these issues since, historically, the

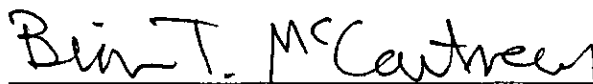
Commission has allowed the parties to frame the issues in a contested case. This is in keeping with Missouri administrative procedure law:

Reasonable opportunity shall be given for the preparation and presentation of evidence bearing on any issue raised or decided or relief sought or granted. Where issues are tried without objection or by consent, such issues shall be deemed to have been properly before the agency. Any formality of procedure may be waived by mutual consent.

Section 536.063(3) RSMo 1994.

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 reasonable 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 6th day of July, 2000 to:

Mike Dandino
Office of Public Counsel
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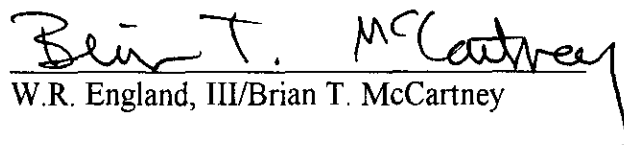
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