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May 28, 2002

Secretary of the Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

Re: Case No.: TO-2002-397

Dear Secretary of the Commission:

Enclosed please find for filing with your office an original and nine (9) copies of the Pre-Hearing Reply Brief of MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc., MCImetro Access Transmission Services, LLC, NuVox Communications of Missouri, Inc, XO Missouri, Inc., AT&T Communications of the Southwest, TCG St. Louis and TCG Kansas City. Upon your receipt, please file stamp the extra copy received and return to the undersigned. If you have any questions, please contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Carl J. Lumley (jr)".

Carl J. Lumley

CJL:dn  
Enclosures  
cc. Parties of Record (W/Enclosure)

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Determination of Prices        )     Case No. TO-2002-397  
of Certain Unbundled Network Elements.         )

**PRE-HEARING REPLY BRIEF**

Come Now MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc., MCImetro Access Transmission Services, LLC, NuVox Communications of Missouri, Inc., XO Missouri, Inc., AT&T Communications of the Southwest, Inc., TCG St. Louis and TCG Kansas City and for their Pre-Hearing Reply Brief pursuant to the Commission's Notice dated May 3, 2002 state to the Commission as follows:

**I.       The scope of this case should include loop and switching UNEs, as well as any other UNE that a party wants to present for review, except that it does not currently appear that UNE rates to be addressed in Case Nos. TO-2001-438, 439 and 440 should be addressed again in this case.**

The scope of this case should certainly include all types of loops, including high capacity loops, and switching UNE rates. The evidence in WorldCom's most recent arbitration presented various reasons for such an examination, which applied to all such UNEs. Notwithstanding Sprint's comment that loops should be limited to 2-wire analog (Sprint footnote 3), all other parties including SWBT (footnote 2) indicate all loop types should be examined. As mentioned in the Initial Brief, this case presents the perfect opportunity to deal with issues concerning the unbundling of Project Pronto, which the Commission has previously deferred.

Regarding SWBT's conclusory statement that UNE rates will go up as a result of this proceeding, obviously the CLECs advocating a reexamination of UNE rates do not expect such a

result. Further, as demonstrated by actions being taken in other states (cited in various briefs filed herein), reductions are the norm.

Regarding SWBT's assertion that the M2A will remain in effect through March, 2005, that date is not really that far away and in any event as demonstrated in the Initial Brief there are a variety of ways the results of this case may be used prior to expiration of the M2A.

**II. A working group should be established.**

Contrary to SWBT's argument, there is precedent for working groups. As discussed in the Initial Brief, the Commission concluded it benefited from the work of the Advisory Staff in the first arbitrations. The approach herein should be more open, with all parties working together with Staff, to avoid the procedural disputes that arose from the Commission's method of relying on the Advisory Staff. It is clear that much can be accomplished through discussions outside the hearing room.

**III. The results of this case should be used for any legitimate purpose.**

The results of this case can and should be available for a number of uses. As shown in the Initial Brief, and contrary to SWBT's assertions, there are some uses that would not require SWBT's consent.

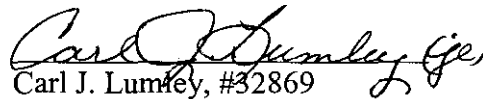
#### IV. Conclusion.

The Commission should consider all loop and switching UNE rates in this case, together with any other UNE rate presented by a party. The only exception should be for UNE rates being addressed in Case Nos. TO-2001-438, 439 and 440, which currently do not appear to require consideration herein.

A working group would be an effective means of assuring the parties present the most focused and informative case possible to the Commission.

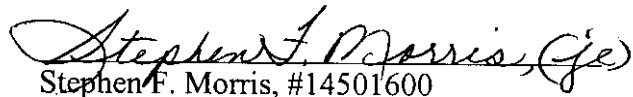
The end results of this case can and should be used for a number of legitimate purposes. It would be premature to place any limits upon such uses.

Respectfully submitted,



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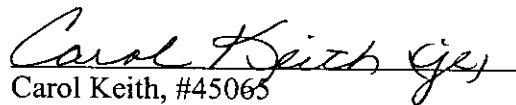
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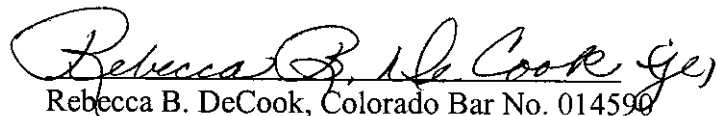
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Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 28<sup>th</sup> day of May, 2002, by placing same in the U.S. Mail, postage paid and e-mail.

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