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May 5, 1997

**FILED**  
MAY 5 1997  
MISSOURI  
PUBLIC SERVICE COMMISSION

Cecil I. Wright  
Executive Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

Re: Case No. TW-97-333

Dear Mr. Wright:

Enclosed for filing on behalf of the Small Telephone Company, in the referenced matter, please find an original and fourteen copies of a Response to Southwestern Bell Telephone Company's Motion to Compel Responses to Data Requests.

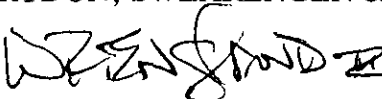
A copy of this response will be provided this date to all parties of record.

Thank you for your attention to this matter.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
W. R. England, III

/nh  
Enc.

cc: All Parties of Record

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MAY 5 1997  
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Case No. TW-97-333

1. On or about May 1, 1997, Southwestern Bell Telephone Company (SWBT) filed its Motion to Compel Responses to Data Requests with the Commission. The STCG initially objected to these Data Requests because they are not relevant to the instant proceeding nor are they reasonably calculated to lead to the discovery of relevant information. By SWBT's own admissions, it seeks answers to its Data Requests because SWBT believes it "has a right to know who is using its COS service, whether their use is consistent with Southwestern Bell's COS tariff, and whether they are paying the appropriate tariff rate for the services being used." (SWBT Motion, page 2.) It is clear that these issues are not relevant to the instant "generic" COS investigation, but more properly the subject of a company specific case. Another concern of the STCG was that, under the then existing procedural schedule, SWBT could incorporate this irrelevant (and possibly prejudicial) information in its rebuttal testimony and the STCG would not have an opportunity to adequately respond. However, the Commission has now issued its Order Changing Procedural Schedule and

allowed parties an opportunity to file surrebuttal testimony (Order Changing Procedural Schedule issued May 1, 1997).

2. In light of the Commission's Order Changing Procedural Schedule, those members of the STCG to whom SWBT has directed its Data Requests, have agreed to provide the information to SWBT (without conceding its relevance to the instant docket). Accordingly, responses will be provided to SWBT no later than May 8, 1997 so that SWBT will have ample time to incorporate those responses (to the extent it is relevant) in its rebuttal testimony in this case.

WHEREFORE, in light of the foregoing, the STCG requests that the Commission deny SWBT's Motion to Compel as it is moot (at least insofar as the STCG is concerned).

Respectfully submitted,



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**ATTACHMENT A**

ALLTEL Missouri Inc.  
Bourbeuse Telephone Company  
BPS Telephone Company  
Cass County Telephone Company  
Citizens Telephone Company of Higginsville, Missouri, Inc.  
Craw-Kan Telephone Cooperative, Inc.  
Ellington Telephone Company  
Fidelity Telephone Company  
Goodman Telephone Company, Inc.  
Grand River Mutual Telephone Corporation  
Green Hills Telephone Corp.  
Holway Telephone Company  
Kingdom Telephone Company  
KLM Telephone Company  
Lathrop Telephone Company  
McDonald County Telephone Company  
Mark Twain Rural Telephone Company  
Miller Telephone Company  
New Florence Telephone Company  
New London Telephone Company  
Orchard Farm Telephone Company  
Oregon Farmers Mutual Telephone Co.  
Stoutland Telephone Company

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 5<sup>th</sup> day of July, 1997, to:

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