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January 2, 2001

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DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

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 STATEMENT OF POSITION**.

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,

*William K. Haas*

William K. Haas  
Deputy General Counsel  
(573) 751-7510  
(573) 751-9285 (Fax)

WKH:sw  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

JAN 2 2001

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 STATEMENT OF POSITION**

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

1. On September 7, 2000, the Missouri Public Service Commission (Commission) issued an Order Adopting Procedural Schedule which, *inter alia*, directed the filing of a list of issues on December 20, 2000, and the filing of statements of position on January 3, 2001.

2. On December 20, 2000, the Staff filed, on behalf of the parties, an agreed upon list of issues to be heard.

3. The Staff's position on those issues follows:

1. Is SWBT properly making Local Plus service available for resale to IXC's and CLECs?

ANSWER: No. SWBT does not make Local Plus service available on a UNE basis and it does not provide or permit others to resell the service when SWBT does not provide the local switching.

2. Who should be responsible for paying terminating access charges to third-party LECs when:

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a. Local Plus is being offered through pure resale of SWBT's retail Local Plus Offering?

ANSWER: SWBT

b. Local Plus is being offered through a facility-based carrier's purchase of unbundled switching from SWBT?

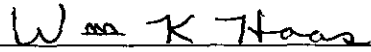
ANSWER: SWBT

c. Local Plus is being offered through a facility-based carrier's own switch?

ANSWER: Until the issues of how such traffic would be tracked and recorded and how SWBT would price Local Plus service on a UNE basis, SWBT should be responsible for paying terminating access.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

  
\_\_\_\_\_  
William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

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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 2<sup>nd</sup> day of January, 2001.

Wm K Hase

**Service List for:**

**Case No. TO-2000-667**

**Revised: January 2, 2001 (sw)**

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