



Rebecca B. DeCook
Senior Attorney

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November 25, 2002

Dale Hardy Roberts
Secretary of the Commission
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65101

FILED³
NOV 25 2002

Re: Case No. TR-2001-65

**Missouri Public
Service Commission**

Dear Mr. Secretary:

Attached for filing with the Commission, please find the original and eight (8) copies of AT&T Communications of the Southwest, Inc., TCG St. Louis, and TCG Kansas City, Inc.'s Motion of AT&T To Classify Hearing Exhibit 54 As A Public Document.

I thank you in advance for your cooperation in bringing this to the attention of the Commission.

Very truly yours,

A handwritten signature in cursive script that reads "Rebecca B. DeCook".

Rebecca B. DeCook

Attachment
cc: All Parties of Record

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED³
NOV 25 2002

Missouri Public
Service Commission

In the Matter of an Investigation of the Actual Costs)
Incurred in Providing Exchange Access Service and)
the Access Rates to be Charged by Competitive Local)
Exchange Telecommunications Companies in the)
State of Missouri.)

Case No. TR-2001-65

MOTION OF AT&T TO CLASSIFY
HEARING EXHIBIT 54 AS A PUBLIC DOCUMENT

Come now AT&T Communications of the Southwest, Inc. TCG St. Louis, Inc.
and TCG Kansas City, Inc. (collectively "AT&T") and move the Missouri Public Service
Commission to classify hearing Exhibit 54 as a public document and as grounds
therefore, state as follows:

1. During the course of the cross-examination of AT&T witness Michael
Pauls at the hearing in the above-captioned matter, Mr. England, counsel for the small
independent telephone companies, introduced as Exhibit 54 certain workpapers that were
used by AT&T's witness Mr. Pauls in preparing his testimony in this proceeding. These
workpapers were produced to Mr. England's clients during discovery. Specifically,
Exhibit 54 sets forth, among other things, by incumbent local exchange carrier, the
company's intrastate access revenue, current composite access rate and combined
industry access MOUs (Intra and InterLATA).

2. At the time Exhibit 54 was introduced in the record, there was uncertainty
as to the source of the information received by Mr. Pauls from the Commission Staff and
the confidential status of this information. Mr. Pauls stated that he had used public

information that he had received in Case No. TO-98-329 and that he had derived the company-specific minutes of use ("MOU") that are reflected in Exhibit 54 by dividing the access revenue information provided to him by Commission Staff by the company's current composite access rates provided to him by Commission Staff (based on rates that are on file with the Commission). See Tr. pp. 1180-87.

3. The various legal counsel for the incumbent LECs claimed that they believed the information set forth in Exhibit 54 was highly confidential. Because the issue as to the status of this data could not be resolved at the hearing, the exhibit was provisionally marked as highly confidential and the parties agreed to discuss the issue offline to determine if a consensus could be reached on the nature of the information set forth in Exhibit 54. The parties agreed to inform the Commission on the results of these discussions.

4. Since the conclusion of the hearing, AT&T has informed all parties of the source data of the information that is set forth in Exhibit 54. Specifically, AT&T advised the other parties that the information used by Mr. Pauls in Exhibit 54 was provided to Mr. Pauls by the Commission Staff. Based upon discussions AT&T has had with Staff, AT&T has confirmed that Staff provided Mr. Pauls and others with an excel workbook, labeled Updated MoUSF Scenarios, that Staff sent out to the MoUSF technical committee on June 6, 2001. None of the incumbent LECs expressed any objection to this information being circulated without any confidentiality limitations. This was for good reason. The workbook distributed by Commission Staff did not contain any highly confidential information provided by the incumbent LECs during the course of the USF workshops. Rather, it contained aggregated information that was developed using highly

confidential information, but from which no highly confidential information could be obtained.

5. For example, in connection with Exhibit 54, Mr. Pauls used the Intrastate Access Revenue and the Composite Access Rate for each incumbent local exchange carrier from this excel workbook. The Access Revenue data in the excel workbook provided by Commission Staff were aggregate numbers that were derived by Staff using highly confidential MOU data that was provided by all of the LECs. In addition, the Staff developed a composite access rate for each company, using the existing tariffed rates that are on file with the Commission and applicable originating and terminating IntraLATA and InterLATA volume distributions. Using the HC information from the companies, Staff multiplied the Originating and Terminating Intra and InterLATA MOUs by each corresponding composite switched access rate and then summing the totals to obtain total intrastate access revenues for each company. Because the information provided was the sum of both originating and terminating Intra and InterLATA MOUs and composite access rates, the resulting aggregate numbers cannot be used to back into the underlying HC numbers for each category of access traffic.

6. As Mr. Pauls indicated during the hearing, he was never provided with any of the proprietary information from the workshop sessions. While he was present when that material was discussed, all parties agreed that written or electronic copies of the proprietary information was not to be given to the AT&T representatives or other in-house employees of other companies that participated in the workshops. As a result, the Staff provided Mr. Pauls and others with a different version of the Missouri USF model and supporting information as the attached e-mail from Chris Thomas/John VanEschen

indicates. It was this information that was aggregated in the manner described above. As Mr. Pauls indicated during the hearing, he simply took these aggregated Access Revenue numbers and the Composite Access Rate from Staff's workbook to calculate the access MOU number reflected in Exhibit 54. As a result, AT&T does not consider the information provided by Staff to AT&T and used by AT&T to develop the information in Exhibit 54 to be proprietary or HC.

7. In addition, as further support for why AT&T believes this information is public and not proprietary or HC, the Aggregate MOU data in Michael's spreadsheet can also be easily obtained from public data that was contained in public Schedule 2 to Chris Thomas' direct testimony in Case No. TO-98-329. Using the change in composite access rates and the amount of company support, one could easily back into aggregate access revenue and MOU data. Using this methodology, the data could be obtained for all but four companies: BPS, Goodman, McDonald County, and Modern.

8. Counsel for SWBT, Sprint, the Small Independent Companies and the Office of Public Counsel have indicated that they believe the revenue and access minute of use information produced in the USF workshops was not to be made publicly available. SWBT claims the information provided by their companies in the USF workshops was highly confidential information, while the small companies take the position that they cannot determine whether the information produced in the workshop was designated as proprietary or highly confidential. Sprint claims that the information in Exhibit 54 should be designated as proprietary. None of these parties have agreed that this Exhibit should be afforded public status. However, none of these parties address the actual information that AT&T received from Commission Staff. None of these parties

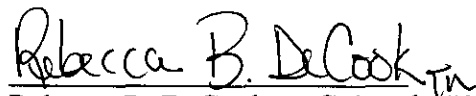
address the fact that Staff did not provide AT&T with the highly confidential (or even proprietary) information provided by these companies, but rather provided aggregated information, from which the confidential information could not be derived. Nor do they address the fact that Mr. Pauls took this aggregated revenue data and divided it by publicly available composite access rates to derive his estimated access minute of use information. Even more importantly, these other parties do not address that, for nearly every company identified in Exhibit 54, this same minute of use information in Mr. Pauls' spreadsheet could be easily obtained from publicly disclosed data in Schedule 2 of Mr. Thomas' Direct Testimony in Case No. TO-98-329 and none of these parties objected to the public disclosure of this information by Mr. Thomas.

Simply stated, there is simply no basis for treating the information set forth in Exhibit 54 as anything other than public. AT&T did not use any highly confidential information to develop the data set forth in Exhibit 54. The information used in this Exhibit is aggregated and composite data provided to AT&T by the Commission Staff – information that has been publicly presented by Commission Staff, without objection, in Case No. TO-98-329. For all these reasons, AT&T requests that the Commission enter an order reclassifying Exhibit 54 as a public document.

Respectfully submitted this 25th day of November, 2002.

Respectfully submitted,

**AT&T COMMUNICATIONS OF
THE SOUTHWEST, INC. TCG ST.
LOUIS, INC. AND TCG KANSAS CITY,
INC.**

A handwritten signature in cursive script that reads "Rebecca B. DeCook".

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EXHIBIT 54

-----Original Message-----

From: Schwartz, Michelle*

[mailto:mschwartz@mail.state.mo.us]

Sent: Wednesday, June 06, 2001 11:09 AM

To: Alan Mason; Alan Upchurch; Anthony Conroy; Barb Meisenheimer; Bob Schoonmaker; Brad Kruse; Brian Cornelius; Brian McCartney; Carl L. Lumley; Chris Thomas; Craig Johnson; Craig Unruh; Dave Evans; David Beier; David Carson; David Elhoffer; David Winter; Denise Day; Don Eachus; Don Stowell; Evan Copsey; Gary Romig; Gerard Van Hoet; Ivan Eames; Jason Olson; Jeff Johnson; Jeff Stidham; Jill Jackson; Jim Busch; Jim Lyon; John Idoux; John Van Eschen; John Zeiler; Ken Matzdorff; Kenna Lemon; Kent Larsen; Zarling, Kevin, LGA; Kristine Becker; Larry Bowman; Larry Dority; Larry Krajci; Laura Brevard; Lee Curtis; Lisa Chase; Lisa Creighton Hendriks; Marc Poston; Mark Comley; Mark Harper; Mark Johnson; Mark Long; Martha Hogerty; Kohly, R Matthew (Matt), LGA; Michael Ensrud; Pauls, Michael J, NCAM; Mike Scheperle; Natelle Dietrich; Nathan Williams; Paul DeFord; Paul Gardner; Phyllis Callahan; Randy Klaus; Renee Reeter; Ric Telthorst; Ron Molteni; Rose Mulvany; Sherry Myers; Stan Brower; Stephen Morris; Steve Gann; Steve Minnis; Steve Prowell; Tim Morissey; Tom Solt; Trip England; Walt Cecil

Subject: Missouri USF Conference Call

Please see attached from John VanEschen

From: VanEschen, John

Sent: Wednesday, June 06, 2001 10:57 AM

Subject: Missouri USF Conference Call

I have arranged for a conference call on Thursday, June 14th at 1:00 pm. The telephone numbers for this call are (573) 522-8028 (local) and 877-896-8702. The purpose of the call is to primarily discuss two things:

1) whether there is interest in pursuing a non-unanimous stipulation(s), and (2) updated scenario results along with a proposed modification to the scenario. At this time the Commission has still not issued an order establishing a procedural schedule for this case. Based on observations by my Staff who attended last Thursday's agenda meeting most, if not all, of the Commissioners appeared to be leaning towards the proposed procedural schedule with one hearing.

I am interested in seeing if there is interest in pursuing various non-unanimous stipulation(s) based on the positions of the majority of the parties. If we pursue non-unanimous stipulations, such stipulations could perhaps be broken-down into three different stipulations: (1) Surcharge-related issues, (2) Scenario for determining high cost support, 3) Other remaining issues. A different approach would be the pursuit of simply one or two non-unanimous stipulations. Regardless of the number of stipulations, I see some value in pursuing agreement and developing a consensus among most of the parties. In this regard, Staff would be willing to put in the time and effort to pursue such a stipulation or stipulations.

In Chris Thomas's e-mail is an attachment containing two updated scenarios. Both scenarios have been run using updated information as forwarded from Bob Schoonmaker. One scenario is identified as "Input". This scenario is the same basic scenario that most parties did not find objectionable this past Spring; however it contains updated information. This scenario results in a total assessment of 2.90599%. The second scenario, identified as "Federal USF Input", has added one twist to the amount of federal dollars used in the high cost support calculation. Essentially any federal USF support dollars are allocated based on the company's residential versus business line counts to try and derive a residential portion of federal USF support dollars. In this regard a company's total federal USF support dollars used in the calculation is reduced. Bob has proposed this additional adjustment. This scenario results in a total assessment of 3.27577%. On the conference call I'd like Bob to more fully explain the updated information and his additional proposal.

If you have any questions, regarding the conference call, please let me know. I will be out of the office this Thursday and Friday (June 6-7).

-----Original Message-----

From: Thomas, Chris
Sent: Tuesday, June 05, 2001 4:15 PM
To: VanEschen, John; Scheperle, Mike; Solt, Tom
Subject: Updated Scenarios

<<Updated MoUSF Scenarios.xls>>

Chris Thomas
Regulatory Economist
Phone: (573) 526-7393
Fax: (573) 751-1847
cthomas3@mail.state.mo.us

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing in Case No. TR-2001-65 was served upon the parties on the following service list on this 25th Day of November, 2002 by either hand delivery or placing same in postage paid envelope and depositing in the U.S. Mail or Airborne Express.

Rebecca B. DeCook

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Peculiar, MO 64078

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Jefferson City, MO 65101

MO-KAN Dial, Inc.
PO Box 429
Louisburg, KS 66053

Southwestern Bell Telephone Co.
One Bell Plaza, Room 3520
St. Louis, MO 63101

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319 Madison St.
Jefferson City, MO 65102

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ALLTEL Missouri, Inc.
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Halltown, MO 65664

Lathrop Telephone Co.
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5065 North Highway 94
St. Charles, MO 63301

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Kansas City, MO 64114-3358

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Canonsburg, PA 15317

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Navigator Telecommunications
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North Little Rock, AR 72113-3860

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Allegiance Telecom of Missouri
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Dallas, TX 75207-3118

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131 Natl Business Pkwy, Ste. 100
Annapolis Junction, MD 20701

BarTel Communications, Inc.
333 Leffingwell Avenue, Suite 101
Saint Louis, MO 63122-6400

BroadSpan Communications d/b/a Primary
Network Communications
11756 Borman Drive, Ste. 101
St. Louis, MO 63146

Business Telecom, Inc. d/b/a BTI
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Odessa, TX 79761

EZ Talk Communications, LLC
4727 South Main
Stafford, TX 74777

Fidelity Communications
60 North Clark
Sullivan, MO 63080

Camarato Distributing, Inc.
900 Camarato Drive
Herrin, IL 62948

Choctaw Communications d/b/a Smoke
Signal Communications
1600 Viceroy
Dallas, TX 75235

Comm. South Companies d/b/a Missouri
Comm. South, Inc.
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Delta Phones, Inc.
PO Box 784
Delhi, LA 71232

ExOp of Missouri, Inc.
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Kearney, MO 64060

Green Hills Telecom. Svcs.
PO Box 227
Breckenridge, MO 64625

Carol Keith, Gabriel Communications of
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16090 Swingley Ridge Rd., Ste. 500
Chesterfield, MO 63017

Global Crossing Local Svcs., Inc.
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Minneapolis, MN 55403

Logix Communications Corp.
3555 NW 58th, Ste. 900
Oklahoma City, OK 73112

Ionex Communications, Inc.
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Dallas, TX 75240

LDD, Inc.
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Cape Girardeau, MO 63702

Global Crossing Telemanagement
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Chesterfield, MO 63017-6042

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Austin, TX 78701

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McLeodUSA Telecom.
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MCG Communications, Inc.
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Pittsford, NY 14534

Max-Tel Communications, Inc.
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NOW Communications, Inc.
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Jackson, MS 39208

The Pager Company
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Kansas City, MO 64127

QCC, Inc.
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Overland Park, KS 66214

Quintelco, Inc.
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Pearl River, NY 10965

Ren-Tel Communications, Inc.
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Villa Rica, GA 30180

Missouri Telecom, Inc.
PO Box 419
Monett, MO 65708

Nextlink Missouri, Inc.
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Oakbrook, IL 60523

Omniplex Communications Group
17 MO Research Park Drive
St. Charles, MO 63304

Preferred Carrier Svcs., Inc. d/b/a Phones
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Dallas, TX 75001-3147

Quick-Tel Communications
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Reitz Rentals, Inc.
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Snappy Phone of Texas, Inc.
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Teligent Services, Inc.
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Tin Can Communications Co.
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Advanced Telcom Group, Inc.
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2nd Century Communications, Inc.
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CapRock Telecommunications
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Addison, TX 75001

Basicphone, Inc.
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Convergent Communications, Inc.
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Compass Telecommunications, Inc.
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CCCMO, Inc. d/b/a Connect!
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Little Rock, AR 72201-3713

GE Capital Communication Services d/b/a
GE Exchange
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Atlanta, GA 30339

Group Long Distance, Inc.
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Pompano Beach, FL 33060-6200

Dial & Save of Missouri, Inc.
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PO Box 4551
Akron, OH 44310

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Kansas City, MO 64105

RSL COM USA
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Tel-Save Incorporated of Pennsylvania,
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Fidelity Communications Services II, Inc.
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MVX.com Communications, Inc.
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Novato, CA 94945

Supra Telecommunications and Information
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Miami, FL 33133

JATO Operating Corporation
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Rocky Mountain Internet
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U.S. TelePacific Corp. d/b/a TelePacific
Communications
515 S. Flower Street, 49th Floor
Los Angeles, CA 90071

Payroll Advance, Inc.
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