

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
MONROE BLUFF EXECUTIVE CENTER
601 MONROE STREET, SUITE 301
P.O. BOX 537
JEFFERSON CITY, MISSOURI 65102-0537
www.ncrpc.com

TELEPHONE: (573) 634-2266
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD
ROBERT J. BRUNDAGE
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH

June 17, 2004

FILED

JUN 17 2004

**Missouri Public
Service Commission**

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. TC-2003-0547

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of Birch Telecom of Missouri, Inc., AT&T Communications of the Southwest, Inc., TCG Kansas City, Inc. and TCG St. Louis, Inc.'s Motion for Suspension of Procedural Schedule.

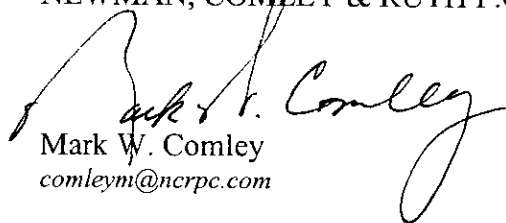
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: General Counsel's Office
Office of Public Counsel
Carl Lumley
Bob Gryzmala
Rebecca B. DeCook
Katherine K. Mudge
Rose Mulvany Henry

BEFORE THE PUBLIC SERVICE COMMISSION

FILED

JUN 17 2004

Birch Telecom of Missouri, Inc., AT&T
Communications of the Southwest, Inc.,
TCG Kansas City, Inc. and TCG St. Louis, Inc.

**Missouri Public
Service Commission**

V.

Cause No. TC-2003-0547

Southwestern Bell Telephone, L.P. d/b/a
SBC Missouri

**BIRCH TELECOM OF MISSOURI, INC., AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC., TCG KANSAS CITY, INC. AND TCG ST. LOUIS, INC.'S
MOTION FOR SUSPENSION OF PROCEDURAL SCHEDULE**

COME NOW Birch Telecom of Missouri, Inc. ("Birch"), AT&T Communications of the Southwest, Inc., TCG Kansas City, Inc., and TCG St. Louis, Inc. (collectively "AT&T") (collectively "Complainants") and pursuant to 4 CSR 240-2.080, file this Motion for Suspension of Procedural Schedule. Complainants respectfully request that the Missouri Public Service Commission ("Commission") grant Complainants' Motion and issue an Order suspending the procedural schedule.

1. On April 1, 2004, an Order Establishing Procedural Schedule was issued in the above-referenced docket. The schedule requires Complainants to file Direct Testimony on or before June 30, 2004, and sets additional deadlines for the processing of this case to develop an evidentiary record. At the time that the parties entered into the procedural schedule, Complainants contemplated filing direct testimony to support their complaint as one method of resolving the disputes.

2. On June 16, 2004, Complainants filed a Motion for Summary Disposition pursuant to 4 C.S.R. 240-2.117 which allows the Commission to resolve all or part of the

disputed issues via summary disposition without the need for development of an evidentiary record. As noted in the Motion for Summary Disposition, Complainants submit that the two issues in dispute can be resolved in summary fashion, as there are no material facts in dispute needed to resolve the two issues in dispute.

3. Complainants' Motion for Summary Disposition will be a more efficient and streamlined procedure for resolving all of the disputes raised in the pending Complaint. As such, Complainants submit that it is not necessary at this point to maintain the current procedural schedule for the filing of testimony. To the extent that the Complainants' Motion for Summary Disposition is used to resolve both issues in dispute, then there will be no need for testimony or an evidentiary hearing. On the other hand, to the extent that the Complainants' Motion for Summary Disposition resolves only part of the disputes, then the remaining factual disputes can be developed as needed in a subsequent testimony based on the Commission's decisions related to Complainants' Motion for Summary Disposition.

4. Therefore, Complainants request that the current Procedural Schedule be suspended and that this case be processed pursuant to 4 C.S.R. 240-2.117, which requires a response to Complainants' Motion be filed no later than thirty (30) days after the motion is served (July 16, 2004), and, if necessary, set a hearing for oral argument. In the event that the Motion is denied in any respect, the parties can prepare a revised procedural schedule for the filing of testimony and development of an evidentiary record.

WHEREFORE, PREMISES CONSIDERED, Complainants respectfully request that:

1. the Motion for Suspension of the Procedural Schedule be granted;
2. the case be resolved entirely via the Complainants' Motion for Summary Disposition;

3. SBC Missouri be required to file a response no later than thirty (30) days from the date the Motion was served, which would be July 16, 2004;
4. a hearing for oral argument be set, if needed, regarding the Motion for Summary Disposition; and
5. the Commission grant any further relief to which Complainants show themselves justly entitled to under the law or equity.

Respectfully submitted,

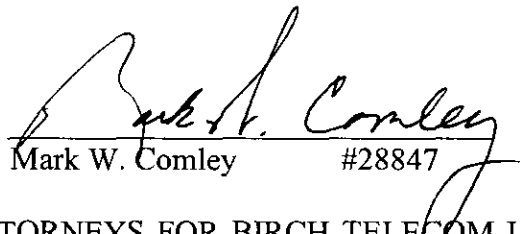
Katherine K. Mudge
SMITH, MAJCHER & MUDGE, L.L.P
816 Congress Ave., Suite 1270
Austin, Texas 78701
Tel: (512) 322-9044
Fax: (512) 322-9020

Rose Mulvany Henry
BIRCH TELECOM, Inc.
2020 Baltimore Avenue
Kansas City, Missouri 64108
(816) 300-3731 (voice)
(816) 300-3350 (fax)
rmulvany@birch.com

Rebecca B. DeCook
AT&T
1875 Lawrence Street, Suite 1575
Denver, Colorado 80202
(303) 298-6357 (direct)
(303) 298-6301 (fax)
decook@att.com

Mark W. Comley
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
Jefferson City, Missouri 65102
(573) 634-2266 (voice)
(573-) 636-3306 (fax)
comleym@ncrpc.com

By:


Mark W. Comley

#28847

ATTORNEYS FOR BIRCH TELECOM Ltd, L.P.,
AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC., TCG KANSAS CITY, INC.
AND TCG ST. LOUIS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the counsel of record via hand-delivery, first-class mail, email or telecopier to all parties of record on this 17th day of June, 2004.


Mark Comley