

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of NuVox)	
Communications of Missouri, Inc., for an)	
Investigation into the Wire Centers that AT&T)	<u>Case No. TO-2006-0360</u>
Missouri Asserts are Non-impaired Under the)	
TRRO)	

ORDER DENYING MOTION TO STRIKE

Issue Date: September 28, 2007

Effective Date: September 28, 2007

In an order directing the parties to file certain responses, the Commission stated that the parties may be directed to file replies to those responses. The Commission did not direct the parties to file replies. However, AT&T Missouri filed a reply anyway. It is AT&T's reply that the CLECs¹ seek to strike.

The Commission realizes that the parties were not directed to file replies. Had the Commission ordered the parties to do so, the filings would have been compulsory. However, under Commission rule 4 CSR 240-2.080(15) parties shall not be allowed more than ten days to respond to any pleading unless otherwise ordered by the Commission. This rule may be interpreted to mean that parties may respond to pleadings within ten days. AT&T filed its reply within ten days² after the responses were filed. Given the CLECs' concern, any party may file a pleading in response to AT&T's reply. Rather than title it;

¹ The Competitive Local Exchange Companies (CLECs) are NuVox Communications of Missouri, Inc., McLeodUSA Telecommunications Services, Inc. and XO Communications Services, Inc.

² The responses were filed on September 12. The 10th day would therefore fall on September 22, a Saturday. The reply day would therefore be the next business day, which was the 24th.

“Response to AT&T’s Reply to Staff and the CLECs Responses,” it may be titled “Responsive Pleading.”

Additionally, parties may file replies and responses as often as they wish. These pleadings are not evidence and are not treated as such.

IT IS ORDERED THAT:

1. The Motion to Strike, filed by NuVox Communications of Missouri, Inc., McLeodUSA Telecommunications Services, Inc. and XO Communications Services, Inc., is denied.
2. If any party wishes to respond to AT&T Missouri’s reply, they shall do so no later than October 9, 2007.
3. This order shall become effective on September 28, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of September, 2007.