

# **BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI**

Petition of MCImetro Access Transmission Services, )  
L.L.C. d/b/a Verizon Access Transmission Services )  
for Arbitration of an Interconnection Agreement with ) **Case No. TO-2008-0037**  
Embarq Missouri, Inc. d/b/a Embarq Under Section )  
252(b) of the Telecommunications Act of 1996 )

## **ORDER AMENDING PROCEDURAL SCHEDULE AND ELIMINATING REQUIREMENT FOR THE STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION TO PROVIDE RESPONSES**

Issue Date: September 11, 2007

Effective Date: September 11, 2007

On August 8, 2007,<sup>1</sup> MCImetro Access Transmission Service, L.L.C. d/b/a Verizon Access Transmission Services (“Verizon Access”) filed its petition for arbitration with the Commission pursuant to the Telecommunications Act of 1996, Section 386.230, RSMo 2000, 4 CSR 240-2 and 4 CSR 240-36. On August 30, the Commission’s appointed Arbitrator adopted the procedural schedule in this matter.

In the Arbitrator’s August 30 order, the Arbitrator directed the Staff of the Missouri Public Service Commission to provide a response to Parties’ direct testimony noting:

Additionally, Commission Rule 4 CSR 240-36.040(12)(B) states that upon the arbitrator’s request, and after notice to the parties, the arbitrator may pose questions to commission staff members or outside individuals who are not part of the arbitrator’s advisory staff. Answers must be submitted in the form determined by the arbitrator and any person so responding shall be subject to cross-examination. Said responses and cross-examination must be included in the record before the arbitrator and the commission.

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<sup>1</sup> All dates throughout this order refer to the year 2007 unless otherwise noted.

The arbitrator shall require the Staff of the Public Service Commission ("Staff") to respond to the direct testimony offered by Verizon Access and Embarras in this matter. Staff shall provide a neutral analysis of the legal positions of the parties and their witnesses' testimony. Staff is also directed to submit a recommendation as to which position advocated by the parties is the correct interpretation of existing law, and/or, which position better serves the public interest. Staff shall select subject matter experts to provide the ordered responses who are not members of the Arbitrator's Advisory Staff.

The Arbitrator did not join Staff as a party to this action and clarified, by order on September 5, that Staff's response was to be in the form of testimony. Upon further consideration, the Arbitrator has determined that no response from Staff is required. Consequently, the Arbitrator will cancel that requirement and the procedural schedule adopted on August 30 will be amended to remove the deadline for that requirement.

**IT IS ORDERED THAT:**

1. The requirement for the Staff of the Missouri Public Service Commission to respond to the Direct Testimony of the parties is canceled.
2. The procedural schedule, adopted on August 30, 2007, is amended to remove the deadline of September 27, 2007, that was previously set for the Staff of the Missouri Public Service Commission to file its response.

3. Other than the modification delineated in ordered paragraph 2 above, the Arbitrator's August 30, 2007 order adopting the procedural schedule in this matter remains in full force and effect.

4. This order shall become effective on September 11, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 11th day of September, 2007.