

ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.

ATTORNEYS AT LAW

**EUGENE E ANDERECK
TERRY M EVANS
ERWIN L MILNE
JACK PEACE
CRAIG S JOHNSON
RODRICA WIDGER
GEORGE M JOHNSON
BEVERLY J FIGG
WILLIAM S LEWIS
VICTOR S SCOTT
COREY K HERRON**

**700 EAST CAPITOL AVENUE
COL DARWIN MARMADUKE HOUSE
P O BOX 1438
JEFFERSON CITY, MISSOURI 65102-1438
TELEPHONE 573-634-3422
FAX 573-634-7822**

**LANETTE R GOOCH
SHAWN BATTAGLER
ROB TROWBRIDGE
JOSEPH M PAGE
LISA C CHASE
DEIDRE D JEWEL
JUDITH E KOEHLER
ANDREW J SPORLEDER
KELLIE R NILGES
OF COUNSEL
MARVIN J SHARP
PATRICK A BAUMHOER
GREGORY C STOCKARD (1904-1993)
PHIL HAUCK (1924-1991)**

June 3, 2002

Secretary of PSC
Missouri Public Service Commission
P O Box 360
Jefferson City, MO 65102

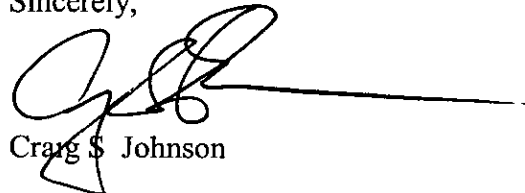
Re: Case No.
Tariff File No. 200200981

Dear Secretary

Enclosed please find for filing an original and eight (8) copies of Missouri State Discount Telephone Company's Opposition to Public Counsel's Motion to Suspend

A copy of this letter and the enclosed Suggestions have been served upon all attorneys of record Thank you for seeing this filed

Sincerely,



Craig S Johnson

CSJ tr

Eric

cc Harry Theilepape
Sondra Morgan
Michael Dandino, Public of Public Counsel
Daniel Joyece, Staff General Counsel
Cliff Snodgrass, Staff General Counsel

Trenton Office
9m And Washington
Trenton, Missouri 64683
660-359-2244
Fax 660-359-2116

Springfield Office
1111 S Olenstone
P O Box 4929
Springfield, Missouri 65808
417-864-6401
Fax 417 864-4967

Princeton Office
207 North Washington
Princeton, Missouri 64673
660-748-2244
Fax 660-748-4405

Smithville Office
119 E Main Street
P O Box 654
Smithville, Missouri 64089
816-532-3895
Fax 816-532-3899

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the tariff filing of)	
Missouri State Discount Telephone)	
to file 0 Revised Sheet No. 10, PSC Mo.)	
No. 1, to add certain exchanges for BPS)	
Telephone Company, Chariton Valley)	Case No.
Telephone Company, and Mid-Missouri)	Tariff No. 200200981
Telephone Company to reflect authorized))	
exchanges as per approved)	
interconnection agreements.)	

Suggestions of Missouri State Discount Telephone
in Opposition to Public Counsel's Motion to Suspend

Comes now Missouri State Discount Telephone (MSDT), and submits the following suggestions in opposition to the Office of the Public Counsel's May 30, 2002 Motion to Suspend and Request for Evidentiary Hearing

MSDT respectfully suggests that this tariff proceeding is concerned only with updating MSDT's tariff to list the exchanges of three companies with whom MSDT has obtained Commission-approved interconnection agreements In is inconsistent for OPC to complaint that this update has not been done earlier, and then ask to delay the updated tariff itself

The basis for OPC's motions deal with concerns OPC has regarding price cap regulation Those concerns have nothing to do with the tariffs at issue The tariffs simply add a list of exchanges where MSDT is offering service after Commission-approved interconnection agreements The substantive terms and conditions of MSDT tariffs are already on file with, and approved by, the MoPSC OPC's concerns are now the subject of a separate contested case docket There is no purpose served by litigating those concerns in this simple tariff filing

Granting OPC's motions would result in unnecessary duplication of the same issues in two separate proceedings

1 MSDT obtained its certificate of service authority pursuant to Commission Order Granting MSDT certification dated March 16, 2001 in TA-2001-334. This Order stated the certification became effective on the date MSDT's tariffs became effective. On May 17, 2001, MSDT filed its initially proposed tariff sheets. PSC Mo No 1 Sheets 1-49. Sheets 8-10 listed the exchanges of Southwestern Bell Telephone (TO-2000-467), Alltel Missouri Inc (TO-2000-469), and GTE Midwest (TO-99-610), as those were then all of the companies with whom MSDT had interconnection agreements. On June 11, 2001, substitute tariff sheets were filed by MSDT in TA-2001-334, listing those same exchanges. By Order dated June 26, 2001, also in TA-2001-334, the Commission entered an Order Approving Tariff for MSDT. Thus, MSDT's certificate, and its original tariffs, became effective July 2, 2001. Later, on June 29, 2001, in Tariff proceeding 200101241, MSDT filed its¹ Revised Sheets No 10 and 11, which added the exchanges of Spectra and Sprint Missouri Inc to reflect other approved interconnection agreements. These tariffs became effective August 2, 2001.

2 Subsequently, MSDT and Mid-Missouri Telephone Company had an interconnection or resale agreement approved in TO-2001-644, MSDT and Chariton Valley Telephone Corp had an interconnection or resale agreement approved in TO-2002-261, and MSDT and BPS Telephone Company had an interconnection or resale agreements approved in TO-2002-62. MSDT is now filing revised tariff sheets for the exchanges of Mid-Missouri, Chariton Valley, and BPS, as it had done for the agreements approved with SWBT, GTE, Sprint, Spectra, and Alltel. On May 20, 2002 MSDT initiated this proceeding by the simple act of filing revised tariff sheets adding the exchanges of Mid-Missouri, Chariton Valley, and BPS to

its tariff sheets This simple act was the same simple act previously approved in tariff proceeding 200101241 The tariff sheets in question would merely add the exchanges of Mid-Missouri, Chariton Valley, and BPS to reflect that the services of MSDT are actively being offered in the exchanges of those companies The tariff sheets would merely reflect what the Commission has already approved in Orders approving interconnection agreements

3 OPC's Motion to Suspend makes no complaint regarding the format or the purpose of the tariff filings at issue here Instead, OPC challenges the filing on the grounds MSDT was not certified to provide service in BPS exchanges on March 13, 2002, the date BPS reportedly filed a notice of election of price cap regulation

4 On May 17, 2002, OPC filed a motion to establish a case to conduct an investigation into the status of prepaid local service providers That case has apparently been docketed as CO-2002-1078 In that motion OPC raises each and every contention raised in its May 30 Motion to suspend the tariff at issue here None of the issues OPC raises here, or raises in CO-2002-1078, are directed to the substance of this tariff filing On the one hand, OPC criticizes MSDT for not making the tariff filing earlier On the other hand, OPC seeks to further delay what OPC says should have been done before By the Act of requesting suspension, OPC keeps MSDT from accomplishing that very thing which OPC indicates should be done

Unless there is some defect on the face of the tariffs at issue here, and OPC has articulated none, it makes little sense to create further delay when the existing delay is the sole complaint OPC makes of MSDT

5 MSDT has no direct interest in the price cap status of BPS Telephone Company MSDT is interested in having its tariffs updated to reflect the exchanges for which This

Commission, through Orders approving interconnection agreements, has previously approved for MSDT

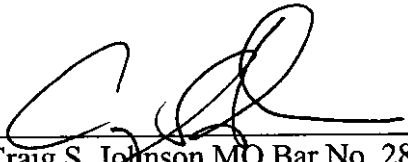
6 In its motion to suspend, OPC does make assertions of law that MSDT disagrees with. These assertions have nothing to do with the propriety of approving the tariffs at issue here. MSDT wishes to go on record as disagreeing with OPC's assertion that MSDT was not certified to provide service in BPS exchanges on March 13, 2002. As set forth above in paragraphs 1 and 2, MSDT obtained its certificate of service authority for the entire state of Missouri pursuant to Commission Order Granting MSDT certification dated March 16, 2001 in TA-2001-334. This certificate was effective upon approval of MSDT's initially approved tariff. That tariff was approved effective July 21, 2001 pursuant to Order dated June 26, 2001, also in TA-2001-334. Interconnection agreement approvals, and tariff revisions to add exchanges of companies with interconnection agreements, are steps taken subsequent to certification. MSDT has been certified to provide service in BPS exchanges since July 2, 2001.

7 MSDT has no objection to OPC pursuing the issues set forth in its Motion to Establish an Investigation, currently docketed as TO-2002-1078, in that docket. MSDT does object to litigating those issues in this tariff proceeding, as those issues are not within the scope of the tariffs filed. Denial of OPC's motion to suspend and request for hearing in this tariff proceeding will in no way prejudice OPC's pursuit of the issues it has raised in TO-2002-178.

Wherefore, MSDT respectfully requests that the Commission deny OPC's motion to suspend and request for evidentiary hearing.

ANDERECK, EVANS, MILNE,
PEACE & JOHNSON, L L C

By

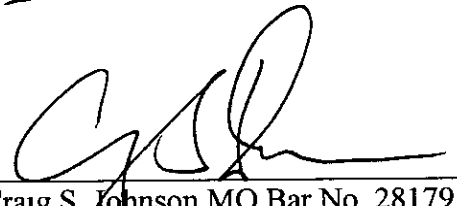


Craig S. Johnson MO Bar No 28179
The Col Darwin Marmaduke House
700 East Capitol
Post Office Box 1438
Jefferson City, Missouri 65102
Telephone (573) 634-3422
Facsimile (573) 634-7822
Email CJohnson@AEMPB.com

ATTORNEYS FOR MSDT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was mailed, via U S Mail, postage prepaid, this 3 day of June, 2002, to all attorneys of record in this proceeding



Craig S. Johnson MO Bar No 28179