

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

In the Matter of a Commission Inquiry into the)
Possibility of Impairment without Unbundled Local) Case No. TO-2004-0207
Circuit Switching When Serving the Mass Market.)

**STAFF'S NOTICE THAT ITS MOTION FOR
CLARIFICATION OF PROTECTIVE ORDER HAS BECOME MOOT**

COMES NOW the Staff of the Missouri Public Service Commission and notifies the Commission that its motion for clarification of protective order has become moot:

1. On February 4, 2004 the Staff filed with the Commission in this case a motion for clarification of the Commission's protective order issued in this case with regard to data requests served on the Staff January 26, 2004 by AT&T Communications of the Southwest, Inc., AT&T Local Services on behalf of TCG St. Louis, Inc. and TCG Kansas City, Inc., Birch Telecom of Missouri, Inc., and Z-Tel Communications, Inc. ("CLEC Coalition"). Those data requests were:

DR NO. 1: Provide copies of your responses to Data Requests served on you in Case No. TR-2004-0207 by any party, excepting those served on you by any member of the CLEC Coalition.

DR NO. 2: Provide copies of the responses you received to Data Requests you served upon any party in Case No. TR-2004-0207, excepting responses you have received from any member of the CLEC Coalition.

2. As reflected by the copy of e-mail including letter attached thereto that counsel for the Staff received electronically, the CLEC coalition has withdrawn its data request that created the issue that caused the Staff to file its motion for clarification of protective order; thus, it appears the need for the Commission to give the Staff direction regarding its protective order no longer exists and the issue is now moot.

WHEREFORE, the Staff notifies the Commission that the Staff's motion seeking for the Commission to clarify whether the protective order that the Commission issued in this case was intended by the Commission to be an order by the Commission that authorizes the Staff to disclose in data request responses information that it received from a company and, if so, the scope of the Staff's authority to make such disclosure, in particular, where a company has objected to the Staff making the disclosure is now moot.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Nathan Williams

Nathan Williams
Senior Counsel
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 18th day of February 2004.

/s/ Nathan Williams

Nathan Williams

Vieth, Tammy

From: Val Kirk [vkirk@phonelaw.com]
Sent: Tuesday, February 17, 2004 3:07 PM
To: Williams, Nathan
Cc: gencounsel@psc.state.mo.us; opcservice@ded.state.mo.us; paul.lane@sbc.com; lwdority@sprintmail.com; jfischerpc@aol.com; clumley@cohgs.com; stephen.morris@mci.com; bcobb@covad.com; ckeith@nuvox.com; Bill Magness; Val Kirk; rmulvany@birch.com; Lisa.C.CreightonHendricks@mail.sprint.com; Dandino, Mike; myyoung0654@aol.com; wds@wdspc.com; David.Woodsmall@xspedius.com; wcourter@mcleodusa.com; charles.gerkin@algx.com; jlr@greensfelder.com; sks@greensfelder.com
Subject: CLEC Coalition withdrawal of DRs

Mr. Williams-

Attached is a letter from Bill Magness, withdrawing the DRs that the CLEC Coalition previously issued to Staff. Please do not hesitate to contact me if you have any questions.

Valerie P. Kirk
Casey & Gentz, L.L.P.
512-225-0008

CASEY & GENTZ, L.L.P.

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February 17, 2004

Mr. Nathan Williams
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Case No. TO-2004-0207, In the Matter of a Commission Inquiry into the Possibility of
Impairment without Unbundled Local Circuit Switching When Serving the Mass Market

Dear Mr. Williams:

On January 26, 2004, AT&T Communications of the Southwest, Inc., AT&T Local Services on behalf of TCG St. Louis, Inc. and TCG Kansas City, Inc., Birch Telecom of Missouri, Inc., and Z-Tel Communications, Inc. (collectively, the "CLEC Coalition"), served the Staff with certain Data Requests ("DRs"), asking for copies of responses to data requests that Staff had received from other parties. On February 4, 2004, Staff objected to these DRs, and on February 5, 2004, Staff filed a Motion for Clarification of Protective Order, seeking guidance from the Commission concerning the interrelation between the protective order issued in the above-referenced case and certain state law. The Motion for Clarification was apparently prompted by SBC Missouri's objection to the Staff providing information to the CLEC Coalition that Staff received from SBC Missouri.

This letter is to advise you that the CLEC Coalition has reached an accommodation with SBC Missouri which renders the DRs served on the staff unnecessary. The CLEC Coalition therefore withdraws the DRs served on Staff. Because of this development, the CLEC Coalition requests that Staff also withdraw its Motion for Clarification since it is now moot.

Thank you very much.

Respectfully submitted,

William L. Magness
Attorney for the CLEC Coalition

cc: Counsel for parties of record