

# 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 22, 2004

**FILED**

**JUN 22 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. TT-2004-0542

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of AT&T Communications of the Southwest, Inc. and MCI WorldCom Communications, Inc.'s Joint Response to SBC Missouri's Proposed 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* by *AKA*

Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Matt Kohly  
Michael Pauls  
Paul G. Lane  
Robert Gryzmala  
Leland B. Curtis

FILED

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

JUN 22 2004

Missouri Public  
Service Commission

In the Matter of the Southwestern Bell Telephone,  
L.P. d/b/a SBC Missouri's Proposed Revision  
to its PSC MO. NO. 36 Access Services

)  
) Case No. TT-2004-0542  
) Tariff No. JI-2004-1159

**AT&T COMMUNICATIONS OF THE SOUTHWEST, INC. AND  
MCI WORLDCOM COMMUNICATIONS, INC., 'S JOINT  
RESPONSE TO SBC MISSOURI'S PROPOSED PROCEDURAL SCHEDULE**

Comes now AT&T Communications of the Southwest, Inc., (hereinafter "AT&T") MCI WorldCom Communications, Inc., (MCI) by and through their attorneys, and in response to SBC Missouri's (SBC) proposed procedural schedule in this case submit the following to the Commission:

1. One of SBC's proposed schedules in this case departs from the Commission's customary requirements of pre-filed written direct testimony. Rather than filing written pre-filed direct testimony, SBC proposed using "beginning-to-end live testimony." For this type of schedule, SBC proposed three days of hearing from July 27 through 29, 2004.

2. MCI and AT&T are opposed to use of strictly "live" testimony for this case. The reasons for that opposition are found in AT&T's earlier filed proposed procedural schedule, with which MCI concurred.

3. If the Commission elects to use "beginning-to-end live testimony" in this matter, AT&T respectfully suggests to the Commission that the amount of time SBC proposes to reserve for hearing will be insufficient for all parties to fairly present their respective cases.

4. As MCI and AT&T have already pointed out to the Commission, written testimony under the Commission's rules has the beneficial effect of reducing hearing time. Since a witness' written testimony is adopted as his or her direct testimony at hearing, the direct

examination of the witness is dramatically shortened so that cross examination can instantly commence. A consequence of dispensing with written direct testimony-- in addition to increased reliance by the parties on pre-hearing discovery devices, including depositions-- is an extension of hearing time within which to receive direct testimony by oral question and answer.

5. MCI and AT&T estimate that the three days SBC suggests for hearing under its proposed schedule will not afford ample time for Staff or the interveners to cross examine SBC's witnesses and thereafter present their own respective cases. As opponents of the tariff revisions and customers that are directly affected by the proposed revisions, MCI and AT&T cannot be expected, and should not be required, to crowd their cross examination of SBC's witnesses and then their own cases into a three day time frame during which oral direct testimony will be offered.

6. MCI and AT&T submit that in the interest of justice, due process and reasonableness the Commission should reserve at least seven (7) days for hearing in this matter if no written testimony is to be filed for the witnesses. This will allow ample, sufficient and a reasonable time for all witnesses, not just those for SBC, to testify on direct and be cross examined.

In sum, MCI and AT&T suggest that the Commission reject SBC's proposal that would dispense with written prefiled testimony in this case. If the Commission elects to use live testimony throughout this proceeding, then sufficient time must be reserved for all parties to have a meaningful and fair opportunity to cross examine witnesses and present their cases. It is MCI's and AT&T's position that seven (7) days must be reserved for this purpose.

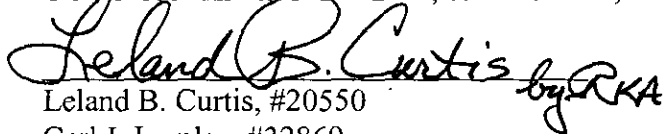
Respectfully submitted,

by RKA  
#28847

Mark W. Comley  
NEWMAN, COMLEY & RUTH P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 FAX

Attorneys for AT&T Communications of the  
Southwest, Inc.

CURTIS, HEINZ, GARRETT, & O'KEEFE, P.C.

by RKA  
#20550

Leland B. Curtis, #20550  
Carl J. Lumley, #32869  
130 S. Berniston, Suite 200  
Clayton, MO 6310  
(314-725-8788)  
(314-725-8789 (FAX))

Attorneys for MCI WorldCom Communications,  
Inc.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 22nd day of June, 2004, to General Counsel's Office at [gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us); Office of Public Counsel at [opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us); [lcourtis@lawfirmemail.com](mailto:lcourtis@lawfirmemail.com), [paul.lane@sbccom.com](mailto:paul.lane@sbccom.com) and [rg1872@sbccom.com](mailto:rg1872@sbccom.com).

