

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 GRANTING MOTION FOR PROTECTIVE ORDER,
APPLICATIONS TO INTERVENE AND APPLICATION TO APPEAR

Issue Date: April 18, 2006

Effective Date: April 18, 2006

On March 17, 2006, NuVox Communications of Missouri, Inc. filed an application for an investigation into the Wire Centers that AT&T Missouri asserts are non-impaired under the TRRO. With its application, NuVox filed a Motion for Protective Order. Also, on the same day, McLeodUSA Telecommunications Services, Inc. and XO Communications Services, Inc. filed applications to intervene. On March 23, William L. Magness filed a Petition for Leave to Appear. On March 24, 2006, the Commission issued an order making AT&T a party to this matter and directing AT&T to respond to the application no later than April 20. No response has been filed to the motion for protective order, the applications to intervene, or the petition for leave to appear.

Motion for Protective Order

Upon review of NuVox's motion, the Commission finds that there is a need to protect confidential information and that the request for a protective order is reasonable. The Commission has previously recognized the need to protect confidential information and the

issuance of protective orders has helped to minimize disputes in past cases. Therefore, a protective order shall be established.

Applications to Intervene

Commission rule 4 CSR 240-2.075 (2) states as follows:

An application to intervene shall state the proposed intervenor's interest in the case and reasons for seeking intervention, and shall state whether the proposed intervenor supports or opposes the relief sought or that the proposed intervenor is unsure of the position it will take.

Commission rule 4 CSR 240-2.075 (4) states as follows:

The commission may on application permit any person to intervene on a showing that –

(A) The proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

Because no party opposes the applications, the Commission will allow XO and McLeodUSA to intervene.

Petition for Leave to Enter Appearance

In his petition, Mr. Magness states that he is a member in good standing of the state bars in both Texas and Massachusetts. Mr. Magness further states that no member of his firm been disqualified from practicing in any courts. Mr. Magness designates Carl J. Lumley as local counsel. With his petition, Mr. Magness submitted a receipt from the Clerk of the Supreme Court acknowledging receipt of \$100.

The request for leave to appear complies with the requirements of 4 CSR 240-2.040(3)(C), and Missouri Supreme Court Rules 6.01(m) and 9.03. Mr. Magness shall be allowed to appear on behalf of NuVox.

IT IS ORDERED THAT:

1. The Motion for Protective Order, filed by NuVox Communications of Missouri, Inc., is granted and the protective order attached to this order (Attachment A) is adopted.
2. The applications to intervene filed by XO Communications, Inc. and McLeodUSA Telecommunications Services, Inc., are granted.
3. William L. Magness is granted leave to appear on behalf of NuVox Communications of Missouri, Inc.
4. This order shall become effective on April 18, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 18th day of April, 2006.