

**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 Missouri Asserts are Non-Impaired )  
Under the TRRO )

**Case No. TO-2006-0360**

**ORDER DIRECTING FILING**

Issue Date: August 31, 2007

Effective Date: August 31, 2007

In order to squarely resolve this matter, the Commission must direct the parties to respond to the inquiries set out below.

Although the parties have submitted a number of issues for the Commission to resolve, it appears as though the only disputes involve a determination of whether two wire centers are impaired. The Commission realizes that there are other disputes between the parties but that a resolution of these disputes will not effect any factual determinations, e.g. how a wire center is classified.

As the Commission understands, the number of fiber-based collocators is the disputed fact with regard to the wire center identified as SPFDMOTU. Depending on the Commission's interpretation of the Federal Communications Commission's rule, that wire center will have either 3 or 2<sup>1</sup> fiber-based collocators and will correspondingly be a Tier 2 or Tier 3 wire center. The second relevant wire center, STLMO21, involves the count of business lines. In order to reach the non-impairment criteria for DS3 capacity loops, there must be at least 38,000 business lines in the wire center. The CLECs argue that AT&T has

---

<sup>1</sup> In Gillan's testimony, he states that AT&T has counted 4 fiber-based collocators. However, in the Exhibit JPG-9, to which he refers, it is shown that AT&T has counted 3 fiber-based collocators. Whether its 3 or 4, the issue remains that there be at least 3 in order for the wire center to be a Tier 2.

misapplied the law resulting in a count that is over 38,000. Further, that if counted correctly, the number of business lines would be under 38,000. Although the parties disagree on the number of business lines in every other wire center, the resulting discrepancies are immaterial to the classifications of those wire centers.

The above issues are the only apparent, factual disputes, i.e. how many fiber-based collocators are in one center and how many business lines are in another. In light of this, the Commission notes that only those legal conclusions resolving the above disputes need be answered. Those legal conclusions are: (1) Should the business line count include all UNE-L lines or only UNE-L lines used to provide switched services to business end users? (2) Does the definition of fiber-based collocator include collo-to-collo arrangements in which the connecting carrier establishes service without providing optronics for fiber that leaves the wire center?

The Commission will require the parties to file statements of whether their factual disputes are limited to the above two wire centers and whether a conclusion of the two questions above will resolve dispute concerning the two wire centers. If the parties file pleadings that are not consistent with one another, the Commission will then require responsive pleadings.

**IT IS ORDERED THAT:**

1. The parties shall file, no later than September 12, 2007, a pleading as described in the body of this order.

2. This order shall become effective on August 31, 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 )

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

Dated at Jefferson City, Missouri,  
on this 31st day of, 2007.