

**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

STAFF RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission and for its response states:

1. On April 9, 2008, AT&T Missouri filed an Application for Rehearing and/or Reconsideration in this matter. Of particular concern is AT&T Missouri's assertion that the Commission counted neither NuVox nor the carrier identified by NuVox as a fiber-based collocator in a specified wire center.¹

2. The Commission ordered NuVox and Staff to respond to AT&T Missouri's assertion no later than April 23, 2008.

3. The Staff agrees with AT&T Missouri's assertion that the other carrier should be counted as a fiber-based collocator if NuVox is not counted.

4. In its verified response to the Staff, NuVox first explained why it believes it should not be counted as a fiber-based collocator. (See Scheperle Direct, Ex. 22, HC Schedule 2C-28 and 29). NuVox then stated that it is likely that another carrier does qualify as a fiber-based collocator. (*Id.*) As explained in the rebuttal testimony of AT&T Missouri witness Chapman, the highly confidential arrangement described in NuVox's response is indicative of a fiber-based collocation arrangement. (Ex. 18, pp. 69-71). CLEC witness Gillan admitted that if

¹ The identification of the wire center in question and the identity of the other carrier are highly confidential information.

either NuVox or the other carrier is counted, then the criterion for the presence of a fiber-based collocator is met. (Tr. 222-23).

WHEREFORE, the Staff recommends that the Commission (1) grant AT&T Missouri's Application for Rehearing and/or Reconsideration, and (2) count the other carrier as a fiber-based collocator in the specified exchange.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17th day of April 2008.

/s/ William K. Haas
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