

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

|                       |   |                        |
|-----------------------|---|------------------------|
| XO MISSOURI, INC.     | ) |                        |
|                       | ) |                        |
| V.                    | ) | Cause No. LC-2003-0570 |
|                       | ) |                        |
| SOUTHWESTERN BELL     | ) |                        |
| TELEPHONE, L.P. D/B/A | ) |                        |
| SBC MISSOURI.         | ) |                        |

**MEDIATION STATUS REPORT,**  
**WITHDRAWAL FROM MEDIATION, AND REQUEST FOR**  
**PREHEARING CONFERENCE**

Comes Now XO Missouri, Inc. ("XO") pursuant to 4 CSR 240-2.125 and 4 CSR 240-2.090(4) and, for its Mediation Status Report, Withdrawal from Mediation, and Request for Prehearing Conference, states to the Commission:

1. On August 20, 2003 the Commission issued an order referring this case to its voluntary mediation program.
2. XO and SBC Missouri actually held their first mediation session with the Alternative Dispute Resolution Center, by mutual agreement on July 22, 2003 at the offices of the Curtis, Oetting law firm, in conjunction with the mediation being conducted between NuVox Communications of Missouri, Inc. and SBC Missouri in Case No. XC-2003-0421. The parties subsequently conducted further negotiations pursuant to the mediation.
3. Despite good faith efforts, the parties have not been able to agree upon a mutually acceptable resolution of this proceeding in a timeframe that is acceptable to XO.
4. At this time, XO withdraws from mediation, in order to allow this proceeding to move forward towards a decision by the Commission in a timely manner. Nonetheless, XO remains willing to continue settlement discussions with SBC Missouri.

5. XO intends to file a motion to consolidate this case with similar cases filed by NuVox Communications of Missouri, Inc. (Case No. XC-2003-0421) and Birch Telecom of Missouri, Inc. and AT&T Communications of the Southwest, Inc. (Case No. TC-2003-0547). In order to best preserve the opportunity for consolidation, but without having to prejudge that question, the Commission should set a prehearing conference in this case for 10:00 a.m. on September 11, 2003, to be held concurrently with the prehearing conference already set in the Birch/AT&T proceeding. The Commission has taken similar action in other proceedings involving common issues, including recently in Case Nos. TK-2003-0535 and TK-2003-0540.

6. NuVox Communications of Missouri, Inc. is filing a similar pleading in Case No. XC-2003-0421.

WHEREFORE, premises considered, XO requests that the Commission accept this Mediation Status Report and set a prehearing conference in this matter for 10:00 a.m. on September 11, 2003 to be held concurrently with the prehearing conference set in Case No. TC-2003-0547.

CURTIS, OETTING, HEINZ,  
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/s/ Carl J. Lumley

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**Certificate of Service**

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 25th day of August, 2003, by placing same in the U.S. Mail, postage paid, by fax transmission and/or by e-mail transmission.

/s/ Carl J. Lumley

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