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March 26, 2008

Honorable Kennard Jones
Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101

Re: TO-2006-0360 (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*) -- Supplemental Authorities: March 17, 2008, Decision of the United States Court of Appeals for the Fifth Circuit, March 18, 2008 Decision of the United States District Court for the Southern District of Ohio and July 31, 2007 Reconsideration Order of the Public Utility Commission of Oregon

Dear Judge Jones:

The CLEC parties and AT&T Missouri respectfully present this joint submission in the above-referenced case to bring your attention to the above-referenced judicial and state commission decisions.

In conjunction with their final briefs submitted in this case on July 23, 2007, the CLEC parties and AT&T Missouri also jointly submitted Judge's Exhibit A, consisting of two matrices (Other State Decisions -- Business Line Definition; Other State Decisions -- Fiber Based Collocator Definition). The CLEC parties and AT&T Missouri agreed to update Judge's Exhibit A when necessary to reflect decisions in other jurisdictions germane to the issues before the Commission here, and we have since done so on three occasions.¹

This is to advise that on March 17, the United States Court of Appeals for the Fifth Circuit issued a Decision in which the Court of Appeals ruled in favor of AT&T Texas with respect to the business line issues. It thus affirmed the decision of the District Court for the Western District of Texas, which was referenced in Judge's Exhibit A, Other State Decisions -- Business Line Definition, pp. 16-18. The business line issues decided by the Court of Appeals are likewise presented in this case.

Additionally, on March 18, the United States District Court for the Southern District of Ohio issued an Opinion and Order in which the Court ruled in favor of AT&T Ohio with respect to the fiber-based collocator issues. It thus affirmed the decision of the Public Utilities Commission of Ohio, which was referenced in Judge's Exhibit A, Other State Decisions -- Fiber Based Collocator Definition, p. 3. The fiber based collocator issues decided by the Ohio District Court are likewise presented in this case.²

Finally, we have learned that on July 31, 2007, the Public Utility Commission of Oregon issued its Order on Reconsideration in which it approved a settlement consistent with AT&T Missouri's position on the business line issues. The order based on the settlement agreement thus departed from the decision the

¹ See, Letters filed on August 17, 2007 (Indiana), October 4, 2007 (Michigan) and November 8, 2007 (Arkansas).

² No appeal was taken from the Public Utilities Commission of Ohio's decision regarding business line issues, which was referenced in Judge's Exhibit A, Other State Decisions -- Business Line Definition, pp. 11-12.

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Oregon Commission had reached on March 20, 2007, which was referenced in Judge's Exhibit A, Other State Decisions -- Business Line Definition, p. 13. The business line issues resolved by the Public Utility Commission of Oregon are likewise presented in this case.

Mr. Magness and I have included copies of these supplemental authorities herein, and will update Judge's Exhibit A as and when decisions such as these are issued prior to the issuance of the Commission's own decision, absent different instructions.

Sincerely,



Robert J. Gryzmala

Attachment

cc: Mr. William L. Magness
Mr. William K. Haas
Mr. Michael F. Dandino
Mr. Carl J. Lumley

Mr. William D. Steinmeier
Ms. Mary Ann Young
EFIS