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October 9, 1998

FILED

OCT - 9 1998

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, Missouri 65102

Re: Case No. TW-97-333

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find the original and fourteen (14) copies of a *Motion to Stay the Elimination of Community Optional Service in Certain Exchanges Served by the Small Telephone Company Group*.

Please see that this filing is brought to the attention of the appropriate Commission personnel. A copy of the attached is being provided to parties of record.

If you have any questions regarding this filing, please feel free to give me a call. Otherwise, I thank you in advance for your attention to and cooperation in this matter.

Sincerely,

  
W.R. England, III

WRE/da  
Enclosures  
cc: Parties of Record

FILED

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

OCT - 9 1998

Missouri Public  
Service Commission

In the Matter of an Investigation into  
the Provision of Community Optional  
Calling Service in Missouri.

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Case No. TW-97-333

**MOTION TO STAY THE ELIMINATION  
OF COMMUNITY OPTIONAL SERVICE  
IN CERTAIN EXCHANGES SERVED BY  
THE SMALL TELEPHONE COMPANY GROUP**

Comes now the Small Telephone Company Group ("STCG") and moves the Missouri Public Service Commission ("Commission") to stay the elimination of Community Optional Service ("COS") in exchanges served by the STCG where GTE and Sprint are the "target exchange" companies. In support thereof, the STCG respectfully states to the Commission as follows:

1. On October 16, 1997, the Commission issued a Report and Order in Case No. TW-97-333 that directed the elimination of COS. On February 17, 1998, the Commission issued an Order Regarding Extension of Deadline that suspended the deadline for the elimination of COS. The February 17 Order directed that COS was "to be phased out as intraLATA presubscription is implemented in either the target exchange or the petitioning exchange." The Commission also noted that the implementation of intraLATA presubscription would, "of necessity, coincide with the capability for competition and the availability of multiple competitors."
2. On March 12, 1998, the Commission issued a Report and Order in Case No. TO-97-217 that, among other things, directed the elimination of the Primary Toll Carrier ("PTC") Plan. This Order also established a revised deadline for all incumbent local exchange

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carriers ("ILECs") other than Southwestern Bell Telephone Company ("SWBT") to implement intraLATA presubscription. This revised deadline was December 1, 1998, unless extended by order of the Commission, but in no event was the deadline to be later than February 28, 1999.

3. On September 11, 1998, in Case No. CV198-666CC, the Circuit Court of Cole County vacated, reversed, and remanded the Commission's Report and Order eliminating the PTC Plan in Case No. TO-97-217 et al.

4. On October 1, 1998, the Commission issued an Order in Case No. TW-97-333 which further extended the deadline for the mandatory elimination of COS. In that Order, the Commission recognized that "the uncertain status of the PTC Plan may have an impact on [COS] as well." The Commission then extended the deadline for the mandatory elimination of COS to "a date to be determined after the final resolution of the PTC plan."

5. Two of the PTCs -- GTE and Sprint -- are in the process of implementing intraLATA presubscription in their exchanges where COS exists. These companies have indicated their intention to eliminate COS at the same time. To the extent that GTE and Sprint serve a COS target exchange of an STCG petitioning exchange, as they do for the routes indicated on Attachment A, they intend to eliminate COS for both the petitioning and target exchanges. In effect, GTE's and Sprint's plans to eliminate their COS routes will result in the elimination of any COS routes involving those companies and STCG exchanges. Thus, COS will be eliminated in these STCG exchanges *before* the implementation of intraLATA presubscription in these exchanges and before "the final resolution of the PTC Plan" envisioned by the Commission in its October 1<sup>st</sup> Order.

6. Because the STCG would like to harmonize the elimination of COS with the

implementation of intraLATA presubscription in their exchanges, the STCG requests that the Commission stay the elimination of COS to coincide with the advent of intraLATA presubscription in the STCG's exchanges. Ideally, intraLATA presubscription will provide customers with a wide range of services at affordable prices. The STCG believes that it is in the customers' best interests to stay the elimination of COS for STCG exchanges until the PTC plan is resolved and intraLATA presubscription is implemented in the STCG exchanges so that customers actually do have this choice.

7. Accordingly, the STCG requests that the Commission stay the elimination of COS on the routes indicated on Attachment A whose target exchanges are served by GTE and Sprint in conjunction with STCG exchanges. While the STCG requests that elimination of COS be delayed in the STCG exchanges, the STCG is not requesting that GTE and Sprint delay their planned implementation of intraLATA presubscription in their exchanges. The STCG believes that the Commission could stay the elimination of COS with the understanding that return calling from the target exchange to the petitioning exchange will only be available to those customers who presubscribe to GTE or Sprint, respectively, for their intraLATA service.

8. At the very least, the STCG requests the Commission to allow COS to survive as a one-way service offering (i.e. from petitioning exchange to target exchange) until such time as intraLATA presubscription occurs in the STCG exchanges. This will prevent customers from being stranded between the time that COS is eliminated and intraLATA presubscription is implemented and competitive alternatives are available.

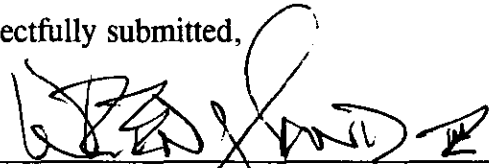
9. GTE has indicated verbally that it plans to terminate its COS routes on

December 9, 1998. Sprint has indicated that it intends to terminate its COS routes beginning November 9, 1998. In order to provide certainty regarding this matter before GTE and Sprint notify their customers of the intended changes, the STCG requests that the Commission act on this motion by November 1, 1998 or issue an order temporarily delaying the termination of COS on these routes until such time as the Commission can formally act on this motion.

WHEREFORE, the STCG respectfully requests that the Commission:

- (a) stay the deadline for elimination of COS to coincide with intraLATA presubscription in the STCG exchanges listed on Attachment A; and,
- (b) grant such further relief as the Commission deems appropriate.

Respectfully submitted,



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Attorney for the Small Telephone Company Group

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 24<sup>th</sup> day of October, 1998, to the following parties:

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W. R. England III

## ATTACHMENT A

### COS Routes Where an STCG Member Serves the Petitioning Exchange and Either GTE or Sprint Serves the Target Exchange

Petitioning Exchange	Target Exchange	Pet. Exchange LEC	Target Exchange LEC	Responsible PTC
1 Holliday	Paris	ALLTEL	GTE	SWBT
2 Myrtle	Thayer	ALLTEL	GTE	GTE
3 Stotts City	Mt. Vernon	ALLTEL	GTE	SWBT
4 Verona	Aurora	ALLTEL	GTE	SWBT
5 Conception Junction	Maryville	Grand River	Sprint	SWBT
6 Rhindeland	Hermann	Kingdom	GTE	SWBT
7 Philadelphia	Palmyra	Mark Twain	GTE	SWBT
8 Eldridge	Lebanon	Stoutland	Sprint	SWBT
9 Stoutland	Lebanon	Stoutland	Sprint	SWBT