

## CURTIS, OETTING, HEINZ, GARRETT & SOULE, P. C. ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200 ST. LOUIS, MISSOURI 63105 (314) 725-8788

FACSIMILE (314) 725-8789 www.curtisoetting.com

EMAIL ADDRESS MCI Mail: (Clumley / MCI ID: 505-3023) 0005053023@MCIMAIL.COM

October 16, 1998

Dale Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission Truman State Office Building, 5th Floor 301 West High Street Jefferson City, Missouri 65101-1517

> Re: Case No. TW-97-333

Via Federal Express

Dear Mr. Roberts:

CARL J. LUMLEY

Service Compublic

Enclosed herewith for filing in the above-referenced case please find an original and fifteen (15) copies of the MCI Telecommunications Corporation's Response to Motion to Stay Elimination. Please file stamp the extra copy and return in the enclosed self-addressed, postage prepaid envelope to the undersigned for our records.

CJL:dn

**Enclosures** 

Parties of Record CC.

## BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI			$o_{C_T}$
In the Matter of an Investigation into the Provision of Community Optional Calling Service in Missouri.	) ) )	Case No. TW-97-333	Service Commission

## MCI'S RESPONSE TO MOTION TO STAY ELIMINATION

COMES NOW MCI Telecommunications Corporation, an MCI WorldCom company, and for its Response to the Small Telephone Company Group's Motion to Stay the Elimination of COS states to the Commission:

- The Commission has acknowledged that COS is priced below cost and stands as a 1. barrier to entry. Hence, it ordered the elimination of this mandatory service.
- 2. The STCG requests preservation of two-way COS for its exchanges where the target exchanges are served by Sprint and GTE, even after Sprint and GTE implement intraLATA presubscription.
- 3. The Commission should deny the request, because IXCs competing for presubscribed customers will be placed at a disadvantage to Sprint and GTE, whose presubscribed service would effectively include such free return calling to COS subscribers in the STCG exchanges.
- 4. The STCG seems to recognize the impermissible impedient to competition posed by two-way COS and, therefore, seeks the alternative relief of temporarily preserving a one-way form of COS. So long as COS remains a toll service subject to terminating access charges, such an interim measure should not pose a problem. However, if a CLEC applies for authority to compete in an STCG exchange, the preservation of this below-cost service would create a barrier to entry. Hence,

an expeditious resolution of the issues in Case No. TO-97-217 remains in order so that the one-way relief sought herein by the STCG is truly temporary.

WHEREFORE, MCI prays the Commission should deny the Motion to Stay Elimination of COS, at least to the extent the Motion calls for preservation of two-way COS.

Respectfully submitted,

CURTIS, OETTING, HEINZ, GARRETT & SOULE, P.C.

Carl J. Lymley, #32869

Leland B. Curtis, #20550

130 S. Bemiston, Suite 200

Clayton, Missouri 63105

(314) 725-8788

(314) 725-8789 (FAX)

MCI Telecommunications Corporation

Stephen F. Morris, Texas Bar #14501600

701 Brazos, Suite 600

Austin, Texas 78701

(512) 495-6727

(512) 477-3845 (FAX)

## **Certicate of Service**

A true and correct copy of the foregoing document was mailed this 16th day 0, 1998, to the persons on the attached list, by placing same in the U.S. Mail, postage paid.

W.R. England, III Sondra Morgan Brydon, Swearengen & England 312 E. Capitol Ave. P.O. Box 456 Jefferson City, MO 65102-0456

Paul Gardner Goller, Gardner & Feather 131 E. High Street Jefferson City, MO 65101

Craig S. Johnson Andereck, Evans, Milne, Peace & Baumhoer 305 E. McCarty Street, 3rd Floor Jefferson City, MO 65102

Paul Lane, Leo Bub, Diana Harter, Anthony Conroy Southwestern Bell One Bell Center, Room 3520 St. Louis, MO 63101

Linda Gardner
United Telephone Company of Missouri
5454 W. 110th Street
Overland Park, KS 66211

Paul DeFord Lathrop & Gage 2345 Grand Blvd. Kansas City, MO 64108

Mark Harper United Telephone Company of Missouri 5454 W. 110th Street Overland Park, KS 66211

Ronald Molteni Assistant Attorney General 221 W. High St. P.O. Box 899 Jefferson City, MO65102 Julie Grimaldi Julie Thomas Bowles Sprint Communications Company 8140 Ward Parkway, 5E Kansas City, Missouri 64114

Mark Comley Newman, Comley & Ruth 205 E. Capitol Avenue P.O. Box 537 Jefferson City, MO 65102-0537

Larry Lovett
AT&T
101 W. McCarty, Suite 216
Jefferson City, MO 65101

Doug Trabaris, Madelon Kuchera, Elizabeth Howland Teleport Communications Group 233 S. Wacker Drive, Suite 2100 Chicago, IL 60606

Michael J. Ensrud Competitive Telephone Association of Missouri 6950 W. 56th Street Mission, KS 66202

Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102

Tracy Pagliara GTE 601 Monroe Street, Suite 304 Jefferson City, MO 65101

General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102