

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Nexus Communications, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. TC-2011-0132
)	
Southwestern Bell Telephone Company, d/b/a)	
AT&T Missouri,)	
)	
Respondent.)	

**JOINT MOTION TO EXTEND DISCOVERY PERIOD AND
MODIFY PROCEDURAL SCHEDULE**

COME NOW Nexus Communications, Inc. ("Nexus") and Southwestern Bell Telephone Company, d/b/a AT&T Missouri ("AT&T Missouri"), and jointly move the Commission to enter an order (a) extending the discovery period in this case through and including August 31, (b) modifying the remainder of the procedural schedule, (3) suspending the due date for parties to file any motion(s) in response to the Commission's June 28 Order Setting Deadline for Filing Motions Regarding ADR Clause, and (4) denying as moot Nexus' June 30 Motion to Extend Discovery Period. In support of this joint motion, the parties state:

1. In its March 29, 2011 Order Setting Procedural Schedule ("Order"), the Commission established a procedural schedule in which a discovery period would be followed by a testimonial period. In particular, the Order directed that all responses to discovery should be served by not later than June 30.¹ The Order next set forth a series of remaining dates,

¹ Nexus' and AT&T's separately proposed procedural schedules both contemplated that discovery would be generated in a sufficiently timely manner so as to permit the submission of responses before the close of the discovery period. (AT&T Missouri proposed June 30 as the date on which "Discovery closes (all discovery must be generated in a manner and in sufficient time to allow responses to be provided by no later than June 30)". Nexus proposed "April 1 - June 30" as the "Discovery period available to the parties (all discovery must be generated in a manner and in sufficient time to allow responses to be provided within the period)". The Commission adopted that arrangement, and made June 30 the "Not Later Than" date for "Discovery: All Responses Served.").

commencing July 1, during which pre-filed testimonies would be filed; a pre-hearing conference would be held; stipulations, issues lists, witness lists, and the order of hearing would be filed; and, a hearing on the merits would be held.

2. Certain discovery matters, however, remain. For example, on June 28, Nexus served AT&T Missouri with 41 Data Requests. In response to AT&T Missouri's position that the Data Requests were untimely, Nexus filed, on June 30, a Motion to Extend Discovery Period. In its July 5 Order Setting Time to File Response, the Commission directed that AT&T Missouri file a response to the motion no later than July 11. Additionally, in its July 6 Order Granting in Part, and Denying in Part, AT&T [Missouri's] Motion to Compel, the Commission directed that Nexus "shall comply with discovery and deliver responses to [AT&T Missouri's] Data Requests 7, 8 and 9 no later than July 20, 2011."

3. It is apparent to the parties that their original intent – to complete discovery before the onset of their filing testimonies – cannot be achieved, and that this works a significant burden upon all parties and their limited time and resources. Therefore, the parties agree that the most prudent and efficient course is to extend the discovery window for a reasonable period while modifying the remainder of the procedural schedule. The parties also agree that the Commission's grant of this joint motion would moot Nexus' June 30 Motion to Extend Discovery Period, and that they would have no objection to a Commission order denying said motion on that basis.² Finally, the parties agree that the due date for parties to file any motion(s) in response to the Commission's June 28 Order Setting Deadline for Filing Motions Regarding ADR Clause should be suspended.

² The parties also agree that the issuance of the Commission's order granting this joint motion will begin the period within which AT&T Missouri may object to Nexus' individual Data Requests and/or respond to such Data Requests.

August 16	Nexus Supplemental/Amended Direct Pre-filed Testimony due
August 31	Discovery closes (all discovery must be generated in a manner and in sufficient time to allow responses to be provided by no later than August 31)
September 16	AT&T Missouri Pre-filed Rebuttal Testimony due
October 17	Staff Pre-filed Direct Testimony due
November 11	AT&T Pre-filed Rebuttal to Staff due; Nexus Pre-filed Pre-filed Rebuttal to Staff due; Nexus Pre-filed Sur-Rebuttal to AT&T Missouri due.
November 18	Pre-hearing Conference
November 25	Stipulations of Fact, Issues List, Statement of Positions, Witness Lists, Order of Hearing (Opening Statements, Witnesses, Cross-Examination) due
December 6	Evidentiary Hearing on Merits (2 days contemplated), with Briefing Schedule to be determined at the close of the hearing

4. Movants can report that Staff has no objection to the Commission's grant of this joint motion.

WHEREFORE, the parties request that the Commission enter an order (a) extending the discovery through and including August 31 (and providing that all discovery must be generated in a manner and in sufficient time to allow responses to be provided by no later than August 31), (b) modifying the remainder of the procedural schedule, (3) suspending the due date for parties to file any motion(s) in response to the Commission's June 28 Order Setting Deadline for Filing Motions Regarding ADR Clause, and (4) denying as moot Nexus' June 30 Motion to Extend Discovery Period.

Respectfully submitted,

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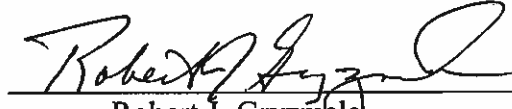
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served via e-mail upon each of the below on July 8, 2011.


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