

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

Northeast Missouri Rural Telephone Company)	
And Modern Telecommunications Company,)	
)	
Petitioners,)	
)	
v.)	Case No. TC-2002-57, et al
)	consolidated.
Southwestern Bell Telephone Company,)	
Southwestern Bell Wireless (SWBT),)	
Voicestream Wireless (Western Wireless),)	
Aerial Communications, Inc., CMT Partners)	
(Verizon Wireless), Sprint Spectrum LP,)	
United States Cellular Corp., and Ameritech)	
Mobile Communications, Inc.,)	
)	
Respondents.)	

**SBC MISSOURI’S OPPOSITION TO MOTIONS
TO FURTHER AMEND COMPLAINT
AND TO JOIN AN ADDITIONAL COMPLAINT**

SBC Missouri¹ respectfully requests the Missouri Public Service Commission (“Commission”) to deny Complainants’² Motions for leave to further amend their Complaint and to join an additional Complaint.

1. On September 23, 2005, Complainants filed a Motion for Leave to File Fourth Amended and Joint Complaint. In their Motion, Complainants seek to expand their Complaint to include claims for traffic alleged to be terminated “between the end of 2001 and January 12, 2005,” a period not covered in their prior complaints and beyond the scope of the evidence in this case. In addition, Complainants in their Fourth Amended Complaint reference a new

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as “SBC Missouri” or “SBC.”

² Alma Telephone Company, Chariton Valley Telephone Corporation and Northeast Missouri Rural Telephone Company will be referred to in this pleading as Complainants.

complaint that Mid-Missouri Telephone Company filed on September 23, 2005 against T-Mobile USA and SBC Missouri, along with a motion to consolidate the new complaint into this case.

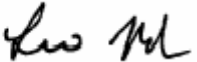
2. After a very lengthy proceeding, this case has been fully submitted for determination by the Commission and it would be inappropriate to permit Complainants to further amend their Complaint at this late date or to join additional complaints at this point. This case commenced in August, 2001, when Complainants filed their initial Complaint. Answers and Motions to Dismiss were filed the following month. With leave of the Commission, Complainants filed their First Amended Complaint in October, 2001, and a new round of Answers and Motions to Dismiss were filed. The parties filed Direct Testimony on April 10, 2002; Rebuttal Testimony on June 11, 2002; and Surrebuttal Testimony on July 2, 2002. The Commission conducted hearings on the Complaints August 5-9, 2002, and the parties then filed Initial and Reply Briefs. The Commission reopened the record in October, 2003, for the purpose of obtaining evidence concerning interMTA factors (to classify the traffic as interMTA or intraMTA). The parties filed additional Direct, Rebuttal and Surrebuttal Testimony concerning interMTA factors that were disputed and the Commission conducted a second hearing in September, 2004, and the parties filed a second round of Initial and Reply Briefs in October and November, 2004. With the submission of these briefs, the case is now submitted and awaiting a Commission determination.

3. If Complainants were now permitted to amend their Complaints to cover additional periods or if a new complaint were joined, the Commission would again be required to reopen the record to take additional evidence, which would likely lead to additional hearings and additional rounds of briefing. At this late date, any amendment or the joinder of new claims would only further delay the resolution of this case and should not be permitted.

WHEREFORE, SBC Missouri respectfully requests the Commission to deny Complainants Motion to Reopen the Record or to join a new complaint. In the alternative, SBC Missouri renews its Motions that it be dismissed from this proceeding, as none of the traffic was originated by SBC Missouri's customers and it only handled the traffic as a transit carrier.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A SBC MISSOURI

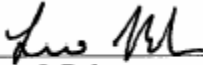
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on September 30, 2005.



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