

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

In the Matter of the Second Investigation into
the State of Competition in the Exchanges of
Southwestern Bell Telephone, L.P.,
d/b/a SBC Missouri.

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) **Case No. TO-2005-0035**
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Concurring Opinion of Commissioner Steve Gaw

Although I concur in the Commission's decision to place the above captioned docket in abeyance, I wish to state my overall opinion of the evidence provided in this proceeding. Having read the testimony, sat through the hearings, questioned the witnesses and reviewed the briefs, it is obvious to me that the record does not support the overreaching request for statewide competitive status sought by Southwestern Bell in its Application. As such, I was ready to render a decision on the merits of the Application.

Nevertheless, with the passage by the General Assembly and likely signing by the Governor of Senate Bill 237, restrictions on increases in prices charged by SBC to most of its customers will be eliminated. Therefore, it seems inappropriate to take action on the pending Application under what will soon be obsolete law. The practical effect of any Commission decision at this time may be to have certain services and exchanges deemed noncompetitive only to have those same services and exchanges soon after found to be competitive under the regulatory mechanism created by Senate Bill 237. The customer confusion that would result should be avoided. As such, I reluctantly concur in the Commission's decision to place this docket in abeyance.

Respectfully submitted,



Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 13th day of July, 2005.