

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

Mid-Missouri Telephone Company,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. TC-2002-190
	)	
Southwestern Bell Telephone Company,	)	
	)	
Respondent.	)	

**SBC MISSOURI’S CONSENT TO DISMISSAL OF CLAIM**

SBC Missouri<sup>1</sup> confirms that it consented to Mid-Missouri Telephone Company’s dismissal of this claim. But in order to set the record straight, SBC Missouri must also respond to the representation in Mid-Missouri’s Notice of Dismissal that SBC Missouri “refused to provide” data.<sup>2</sup>

1. As the Commission is aware, Mid-Missouri’s complaint in this case is that SBC Missouri violated the Commission’s Order in Case No. TC-2001-20 by failing to block certain telephone calls from being terminated to Mid-Missouri’s exchanges.

2. Mid-Missouri’s Notice of Dismissal reflects that SBC Missouri satisfied Mid-Missouri’s data requests pertaining to the calls at issue here, i.e., calls Mid-Missouri claims should have been blocked.<sup>3</sup>

3. While Mid-Missouri had a right to inquire into the calls that were the subject of its complaint, it had no right to engage in an unauthorized fishing expedition. Accordingly, SBC Missouri appropriately asserted timely objections, pursuant to 4 CSR 240-2.090(2), to Mid-Missouri’s request for data pertaining to calls outside the scope of the complaint.<sup>4</sup> As the

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

<sup>2</sup> Mid-Missouri Notice of Dismissal, p. 1

<sup>3</sup> In its Notice, Mid-Missouri acknowledged that SBC Missouri supplied it with the data “for calls specifically identified as prohibited calls.” Mid-Missouri Notice of Dismissal, page 1.


<sup>4</sup> Specifically, SBC Missouri objected on the grounds that the data request sought information that was neither relevant nor calculated to lead to the discovery of relevant information and was overbroad, and burdensome.

Commission is aware, discovery disputes are common in litigated proceedings. In fact, Mid-Missouri also objected to certain data requests propounded by SBC Missouri. Although the Commission has rules and procedures in place to resolve discovery disputes,<sup>5</sup> the record is clear that at no time did Mid-Missouri bring any discovery dispute to the Commission for resolution during this proceeding.

4. Nevertheless, SBC Missouri commends Mid-Missouri for its decision to dismiss this complaint. As reflected in SBC's Rebuttal testimony, SBC Missouri performed an extensive analysis of its available records and believes it conclusively demonstrated that Mid-Missouri's claims are unsubstantiated. While Mid-Missouri may not agree with this characterization, it most likely would agree that the resources of both companies are better spent in the future by working together on a carrier-to-carrier basis to resolve issues of mutual concern, rather than through litigation.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

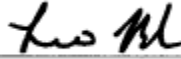
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<sup>5</sup> 4 CSR 240-2.090(8)(A-B).

**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on February 25, 2003.



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