

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

NuVox Communications of Missouri, Inc.,	)	
	)	
Complainant,	)	
v.	)	
	)	<b><u>Case No. CC-2009-0435</u></b>
Southwestern Bell Telephone Company	)	
d/b/a AT&T Missouri,	)	
	)	
Respondents.	)	

## ORDER DIRECTING FILING

Issue Date: October 7, 2009

Effective Date: October 7, 2009

On August 6, 2009, the Commission directed NuVox Communications of Missouri, Inc. ("NuVox") to respond to the affirmative defenses raised by Southwestern Bell Communications Company d/b/a AT&T Missouri's ("AT&T Missouri"). In particular, the Commission wanted NuVox to address the defenses raised by AT&T Missouri regarding the alleged contractual time-bar against NuVox's complaint. Several pleadings from the parties ensued; however, the exact date NuVox alleges that improper billing began remains unclear. Without knowing the relevant time period involved, the Commission has no way of evaluating NuVox's complaint or AT&T's affirmative defenses. The Commission shall direct NuVox to specifically identify the relevant dates of its claim and set a schedule for responses.

### THE COMMISSION ORDERS THAT:

1. No later than October 30, 2009, NuVox Communications of Missouri, Inc. shall file a report with the Commission identifying, with particularity (i.e. exact dates) the relative time period involved with its complaint.

2. No later than November 9, 2009, Southwestern Bell Communications Company d/b/a AT&T Missouri shall, with particularity, shall explain how it believes NuVox Communications of Missouri, Inc.'s complaint is time-barred.

3. No later than November 16, 2009, the Staff of the Missouri Public Service Commission shall respond, with particularity, and provide the Commission with a recommendation concerning the applicability of Southwestern Bell Communications Company d/b/a AT&T Missouri' affirmative defenses.

4. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority under  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 7th day of October, 2009.