

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

Duke Manufacturing Co.,)	
Complainant,)	
)	
v.)	Case No. TC-2008-0191
)	
McLeodUSA Telecommunications)	
Services, Inc.)	

**McLEODUSA'S REPLY TO AT&T MISSOURI'S RESPONSE
TO STAFF MOTION TO JOIN AT&T MISSOURI**

McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"), for its Reply to AT&T Missouri's Response to Staff Motion to Join AT&T Missouri as a Party, states as follows:

1. AT&T Missouri should be joined as a party to this case. The fact that AT&T is mentioned more than 40 times in the trouble ticket document attached to Duke Manufacturing's Complaint (Exhibit 1) confirms that AT&T's participation in this case is essential to Staff's Commission-ordered investigation, and to the Commission's decision in this case. Although the point cannot be answered unequivocally at this point, there is some likelihood that "(1) in the person's absence complete relief cannot be accorded among those already parties," to this case. (Mo. S.Ct. Rule 52.04).

2. The fact that AT&T Missouri "commits to assist Staff in its investigation of the Complaint" is little comfort to other parties including McLeodUSA, who, without the availability of AT&T as a party, will not have equal access to AT&T or the information that may be provided informally to Staff. To the extent Staff will be obtaining information from AT&T Missouri essential to its investigation as ordered by the Commission, that information flow should be within the scope of the Commission's discovery rules rather

than be conducted on an informal basis. The Commission's rule regarding Data Requests and discovery disputes addresses "parties", (4 CSR 240-2.290(2) and (8). Without AT&T as a party to the case, prejudice to McLeodUSA could result. To provide the parties the rights and protections of the Commission's discovery rules, AT&T should be made a party to the case.

3. The Commission has jurisdiction over AT&T Missouri's quality of service pursuant to Section 392.200 RSMo. If the Commission finds that the service problems alleged by Duke Manufacturing in this case are occurring as alleged, and to the extent those problems are occurring because of the inadequate performance of facilities owned by AT&T rather than because of any action of McLeodUSA, AT&T is a necessary party to this proceeding, regardless whether McLeodUSA is seeking any relief from AT&T Missouri in the context of this case,

WHEREFORE, McLeodUSA files this reply to AT&T Response and urges the Commission grant Staff's Motion to join AT&T Missouri as a party.

Respectfully submitted,

/s/ Mary Ann Young

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**Counsel for McLeodUSA
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Dated: February 21, 2008

Certificate of Service

I hereby certify a copy of this pleading has been transmitted electronically to the General Counsel of the Missouri Public Service Commission (gencounsel@psc.mo.gov), the Office of the Public Counsel (opcservice@ded.mo.gov), and counsel of record for Complainant (dmvuylsteke@bryancave.com) and (john@johncoffman.net), and counsel for AT&T Missouri (rq1572@att.com), this 21st day of February 2008.

/s/Mary Ann Young
Mary Ann (Garr) Young