

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of AT&T Communications of the	)	
Southwest Inc.'s Proposed Tariff to Establish a	)	<b><u>Case No. TT-2002-129</u></b>
Monthly Instate Connection Fee and Surcharge	)	Consolidated with
		Case Nos. TT-2002-1136,
		XT-2003-1136, LT-2004-
		0616, XT-2004-0617

**MCI'S SUGGESTIONS IN SUPPORT OF  
PROPOSED PROCEDURAL SCHEDULE**

COME NOW MCI WorldCom Communications, Inc. and Teleconnect Long Distance Services and Systems Co. (herein collectively "MCI") pursuant to Notice Regarding Filing of Arguments issued March 2, 2005 by the Commission, and for their Suggestions in Support of Proposed Procedural Schedule state to the Commission:

1. The Commission approved the first of the subject tariffs on December 13, 2001. On August 10, 2004, although it found no fault with the merits of the Commission's decisions regarding these tariffs, the Missouri Court of Appeals reversed the Commission's decision on the first set of tariffs and remanded the proceedings for the Commission to make additional findings of fact and conclusions of law. The Court expressly held that the Commission could "make the required findings of fact and conclusions of law based on the evidence already presented." State ex rel Coffman v. PSC, 150 SW3d 92 (Mo App 2004).

2. While the first tariffs were wending their way through the courts, the Commission approved replacement tariffs that revised the rates. Challenges to some of these replacement tariffs were filed in the circuit court, but after the issuance of the Court of Appeals opinion such proceedings were remanded by consent back to the Commission

for consideration in conjunction with the original proceedings. The replacement tariffs remain in effect.

3. Throughout these proceedings, customers have not had to rely upon the government to protect their interests. Instead, all along the way they have been able to exercise choice in the competitive long distance market either by continuing to use the services of MCI and the other IXC's based on their overall satisfaction with such services and the applicable rates, or by changing providers based on any dissatisfaction.

4. Notwithstanding Public Counsel's request for additional hearings, the Commission should not waste its resources (or those of the parties) with extensive further proceedings regarding these tariffs. Such resources would be better spent on long overdue efforts to reduce the unreasonable intrastate switched access charges of Missouri's incumbent LECs.

5. The Court of Appeals made clear that the Commission does not need to hold further hearings. Instead, the Commission only needs to issue revised findings of fact and conclusions of law. MCI recommends that the Commission seek assistance from the parties by requiring them to file proposed findings of fact and conclusions of law. At the March 2, 2005 conference, Sprint requested an opportunity to file replies as well, and MCI has no objection to that request. At the conference, MCI proposed specific dates based on the assumption that the Commission would immediately issue its order. In light of these further procedural deliberations, MCI proposes the following schedule:

Proposed FOF/COL	45 days after issuance of order
Replies/objections	30 days thereafter

Once the Commission examines such proposals and replies, it should be able to promptly

conclude these consolidated proceedings.

6. At the conference, Staff acknowledged that these tariffs do not violate proposed rule 4 CSR 240-33.045. Accordingly, that rulemaking proceeding (TX-2005-0258) does not provide a basis for delay in these proceedings. Likewise, the FCC's consideration of interstate billing matters does not provide a basis for delay in this state proceeding.

WHEREFORE, MCI requests that the Commission order the parties to proceed in accordance with the schedule proposed herein.

Respectfully submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Carl J. Lumley, #32869  
Leland B. Curtis, #20550  
130 S. Bemiston, Suite 200  
Clayton, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (FAX)  
[clumley@lawfirmemail.com](mailto:clumley@lawfirmemail.com)  
[lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)

Attorneys for MCI WorldCom Communications,  
Inc. and Teleconnect Long Distance  
Services and Systems

## **CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the above and foregoing document was sent via e-mail or U.S. Mail on the 4th day of March, 2005 to the following:

Dana K. Joyce  
P.O. Box 360  
200 Madison Street, Suite 800  
Jefferson City, Missouri 65102  
gencounsel@psc.mo.gov

Michael Dandino  
P.O. Box 2230  
200 Madison, Suite 640  
Jefferson City, Missouri 65102  
mike.dandino@ded.mo.gov

Kevin Zarling  
AT&T Communications of the Southwest  
919 Congress Street, Suite 900  
Austin, Texas 78701  
kzarling@att.com

Kenneth Schiffman  
Sprint  
6450 Sprint Parkway  
MS: KSOPHN0212-2A303  
Overland Parks, Kansas 66251  
kenneth.schifman@mail.sprint.com

/s/ Carl J. Lumley

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