

# **ARMSTRONG TEASDALE LLP**

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April 15, 1999

**FILED**

APR 16 1999

**UPS OVERNIGHT DELIVERY**

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
301 W. High Street, Room 530  
Jefferson City, MO 65101

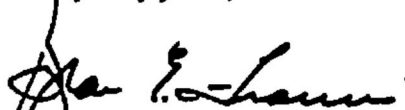
Re: In the Matter of the Proposed Merger Between GTE Corporation  
and Bell Atlantic, Case No. TM-99-261

Dear Mr. Roberts:

Enclosed herewith, please find an original and fifteen (15) copies of Memorandum of GTE Midwest Incorporated in Opposition to Office of the Public Counsel's Motion to Reconsider Order Closing Case in the above-captioned matter. I would sincerely appreciate it if you would see that the enclosed are filed and brought to the attention of the Commission. Also, please stamp one copy "filed" and return it to me in the enclosed self-addressed stamped envelope.

Thank you for your cooperation.

Very truly yours,

  
Byron E. Francis

BEF:lva

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

APR 16 1999

Missouri Public  
Service Commission

In the Matter of the Proposed Merger                     )  
Between GTE Corporation and                                 ) Case No. TM-99-261  
Bell Atlantic.   )

**MEMORANDUM OF GTE MIDWEST INCORPORATED IN OPPOSITION TO  
OFFICE OF THE PUBLIC COUNSEL'S MOTION TO RECONSIDER ORDER  
CLOSING CASE**

COMES NOW GTE Midwest Incorporated ("GTE Midwest") and hereby opposes the Motion of the Office of the Public Counsel ("Public Counsel") to reconsider the Order of the Public Service Commission ("Commission") to close the case.

As the Commission stated in its Order of April 6, 1999, GTE Midwest initially filed a response to the Public Counsel's motion to establish a case in which it asked the Commission to summarily deny Public Counsel's motion on the basis of the Commission's Report and Order in The Matter of the Merger of SBC Communications, Inc. and Ameritech Corporation. In an order dated December 31, 1998, the Commission allowed Public Counsel the opportunity to respond to GTE Midwest's response and stated that the response "should explain the reasons why Public Counsel believes the Commission's decision in this case should be different than the one it reached in Case No. TM-99-76."

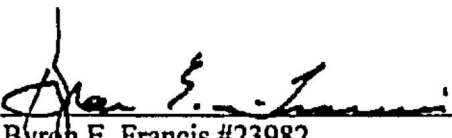
While Public Counsel suggests that dismissal for failure to prosecute is inappropriate, Public Counsel continues to ignore this Commission's request for an explanation why the decision in this case should be different than the one reached in Case No. TM-99-76. Based upon the clear language of 4 CSR 240-2.116, this Commission can, and should, dismiss this case

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for lack of prosecution, particularly in light of the prejudice to GTE Midwest should the Commission reopen the matter and then allow the Commission time to rule on the issue of jurisdiction as requested by Public Counsel. GTE Midwest therefore respectfully requests that the Commission deny Public Counsel's Motion to Reconsider.

Respectfully submitted,

ARMSTRONG TEASDALE LLP

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ATTORNEYS FOR GTE MIDWEST  
INCORPORATED

CERTIFICATE OF SERVICE

A copy of the foregoing was served via facsimile and was mailed, via U.S. Mail, postage prepaid, to Michael F. Dandino, Office of the Public Counsel, 301 West High Street, Box 7800, Jefferson City, MO 65102-7800 and to Dana K. Joyce, General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102, this 16th day of April, 1999.

