

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

In the Matter of the Second Investigation)	
into the State of Competition in the Exchanges of)	Case No. TO-2005-0035
Southwestern Bell Telephone, L.P., d/b/a)	
SBC Missouri.)	

**SBC MISSOURI'S OBJECTION TO
LATE-FILED EXHIBIT 50**

SBC Missouri¹ respectfully objects to the admission of Late-Filed Exhibit 50, which was offered by the Office of Public Counsel ("OPC") on February 8, 2005.²

1. SBC Missouri objects to OPC's Late-Filed Exhibit 50 on the basis that it is incomplete and irrelevant and, depending on how it may be used, potentially deprives SBC Missouri of its rights to due process.

2. Late-Filed Exhibit 50 is incomplete in that the cost of local service has been at issue in rate cases involving small ILECs and large ILECs over the last 30 plus years. But OPC references only three cases. Late-Filed Exhibit 50 is also incomplete because it does not identify any of the arbitrations, such as Case No. TO-97-40, in which the price of unbundled network elements ("UNEs"), which together show the cost of local service under the TELRIC method as applied by the Missouri Public Service Commission ("Commission"), were determined.

3. Late-Filed Exhibit 50 is irrelevant because the Commission made no finding concerning the cost of local service provided by SBC Missouri in any of the three cases OPC cites. The fact that the cost of local service was an issue in other cases does not establish any operative facts for the Commission to rely on in this case.

4. If the Commission seeks to utilize the record in other proceedings to determine operative facts at issue here, it would potentially deprive SBC Missouri and other parties to this

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri."


² Pursuant to Judge Ruth's Order from the bench on February 7, 2005, objections to Late-Filed Exhibit 50 are to be filed February 14, 2005. Tr. 1354-1355.

case of their right to procedural due process. No party knows what “facts” the Commission would seek to rely on from the three cases OPC identifies, nor have the parties to this case had an opportunity to rebut those “facts” as they might be applied or considered in this case.

WHEREFORE, SBC Missouri respectfully requests the Commission to sustain its objection and decline to receive Late-Filed Exhibit 50 into evidence.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A SBC MISSOURI

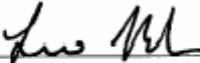
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on February 14, 2005.



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