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September 29, 1999

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65101

FILED²

SEP 29 1999

Missouri Public
Service Commission

Re: Case No. TA-2000-23; TA-2000-24; TA-2000-25; TA-2000-27

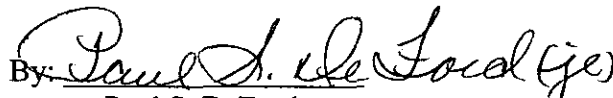
Dear Judge Roberts:

Attached for filing with the Commission is the original and fifteen (15) copies of AT&T Communications of the Southwest Inc's Motion to Establish Procedural Schedule in the above referenced matters.

I thank you in advance for your cooperation in bringing this to the attention of the Commission.

Very truly yours,

LATHROP & GAGE, L.C.

By: 
Paul S. DeFord

Attachment

cc: All parties of record

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

SEP 29 1999

Missouri Public
Service Commission

In the Matter of the application of)
Fiber Four Corporation)
d/b/a KLM Long Distance for a certificate of) **Case No. TA-2000-23**
service authority to provide interexchange and)
local exchange telecommunications services.)

In the Matter of the application of)
Fiber Four Corporation)
d/b/a Holway Long Distance for a certificate of) **Case No. TA-2000-24**
service authority to provide interexchange and)
local exchange telecommunications services.)

In the Matter of the application of)
Fiber Four Corporation)
d/b/a Iamo Long Distance for a certificate of) **Case No. TA-2000-25**
service authority to provide interexchange and)
local exchange telecommunications services.)

In the Matter of the application of)
Fiber Four Corporation)
d/b/a KLM Long Distance for a certificate of) **Case No. TA-2000-27**
service authority to provide interexchange and)
local exchange telecommunications services.)

MOTION TO ESTABLISH PROCEDURAL SCHEDULE

COMES NOW AT&T Communications of the Southwest, Inc. ("AT&T") and for its Motion to Establish Procedural Schedule states as follows:

1. On July 15, 1999, Fiber Four Corporation initiated the above-captioned cases by filing separate applications for certificates of service authority and tariffs for each of the above referenced fictitious names. On July 30, 1999, AT&T Communications of the Southwest ("AT&T")

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filed its Application to Intervene and Motion to Consolidate in all four cases. On August 3, 1999, the Commission issued an order consolidating the cases and directing the applicant and Staff to file a response to AT&T's Application to Intervene and Motion to Consolidate. On August 9, 1999, Fiber Four and Staff filed their respective responses. On August 11, 1999, AT&T filed its reply to the responses of Fiber Four and Staff. On August 26, 1999, the Commission issued an order granting AT&T intervention into the consolidated cases and denying AT&T's motion to consolidate the cases with Case No. TT-2000-22. In that order, the Commission did not establish a date for a prehearing conference or the filing of a procedural schedule.

2. The issue that AT&T is concerned about in these cases is Fiber Four's proposed rate design in which the same corporate entity, Fiber Four Corporation, is allowed to charge different rates in different geographic areas. To the extent that the Commission has apparently determined that AT&T's proposal to limit the geographic availability of an optional calling plan could not be found to be in the public interest or lawful without an evidentiary record, Fiber Four's proposal cannot be found to be in the public interest or lawful without an evidentiary record.

3. Similar deaveraging issues were raised in Case No TA-2000-33 and TA-2000-35, in which Grand River Communications, Inc. ("Grand River") was seeking two different certificates of service authority and proposing to operate under two fictitious names in different areas based upon geographic limitations in its tariffs. This arrangement and the potential for geographic deaveraging raised enough concern that Commission granted only conditional approval of Grand River's tariffs.

In Case No. TT-2000-33, the Commission's Order approving Grand River's application in this case stated that Grand River has;

agreed that the proposed rates for the certificated service areas granted will be the same as the certificated service area granted in Case No. TA-2000-35, and the

Commission's approval of this certificate to provide interexchange telecommunications will be conditioned on this representation unless otherwise approved the Commission.¹

Likewise, in Case No. TT-2000-35, the Commission's Order approving Grand River's application in this case stated that Grand River has;

agreed that the proposed rates for the certificated service areas granted will be the same as the certificated service area granted in Case No. TA-2000-33, and the Commission's approval of this certificate to provide interexchange telecommunications will be conditioned on this representation unless otherwise approved the Commission.²

The Commission's conditional approval of the tariffs indicates that the Commission was concerned about the proposed rate design in which the same corporate entity operating under multiple fictitious names in different geographic areas could geographically deaverage toll rates without Commission approval. The Commission alleviated these concerns by imposing the requirement to charge the same rates unless otherwise approved by the Commission.

4. The issue of actual geographic deaveraging exists in Fiber Four's cases and warrants the same attention. However, these concerns cannot be quickly alleviated by simply imposing a similar requirement on Fiber Four since Fiber Four is already charging different rates in different geographic areas. For example, when Fiber Four operates in the exchanges of KLM Telephone Company under the fictitious name of KLM Long Distance, it will offer an "Option 1" toll

1. Case No. TA-2000-33, *In the Matter of the Application of Grand River Communications, Inc. d/b/a Grand River Long Distance for a Certificate of Service Authority to Provide Interexchange and Local Exchange Telecommunications Services in Missouri*, Order Regarding Motions for Consolidation, Intervention and Suspension, Order Approving Interexchange and Non-switched Local Exchange Certificates of Service Authority and Order Approving Tariff, page 11.

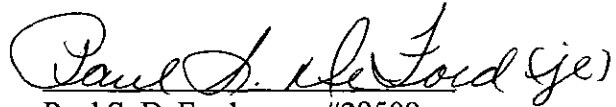
2. Case No. TA-2000-35, *In the Matter of the Application of Grand River Communications, Inc. d/b/a Lathrop Long Distance for a Certificate of Service Authority to Provide Interexchange and Local Exchange Telecommunications Services in Missouri*, Order Regarding Motions for Consolidation, Intervention and Suspension, Order Approving Interexchange and Non-switched Local Exchange Certificates of Service Authority and Order Approving Tariff, page 11.

calling plan that provides intraLATA and interLATA toll for 15¢ per minute with a \$4.95 monthly charge. Also in the KLM exchanges, Fiber Four proposes an "Option 2" that charges per minute rates ranging from 8 per minute to 46 cents per minute depending upon the distance. Option 2 also provides discounts of up to 35% depending upon the time of day. When Fiber Four operates in the exchanges of IAMO Telephone Company under the fictitious name of Iamo Long Distance, Fiber Four will offer an "Option 1" toll calling plan that provides intraLATA and interLATA toll for 15¢ per minute with a \$4.95 monthly charge. The company also proposes an "Option 2" to charge per minute rates ranging from 9¢ per minute to 58¢ per minute depending upon the distance. Option 2 also provides discounts of up to 35% depending upon the time of day. Also, when Fiber Four operates in the exchanges served by Rock Port Telephone Company under the fictitious name of Rock Port Long Distance, it will offer an "Option 1" toll calling plan that provides intraLATA and interLATA toll for 15¢ per minute with a no monthly charge and provide discounts of up to 20% depending the volume of calls. Clearly, Fiber Four is charging different rates in different geographic areas. For this reason, before the certificate can be made permanent, there must be an evidentiary record to determine if such rate design is in the public interest and is lawful. To that end, AT&T asks the Commission to establish a date for a prehearing conference and require the filing of a procedural schedule in a timely fashion so that the issue of geographic deaveraging may be resolved.

Wherefore, AT&T respectfully requests the Commission set these applications for hearing and issue an order setting an early prehearing conference and requiring the filing of a proposed procedural schedule.

Respectfully submitted,

LATHROP & GAGE, L.C.

A handwritten signature in cursive script that reads "Paul S. DeFord (je)".

Paul S. DeFord #29509

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CERTIFICATE OF SERVICE BY MAIL

A true and correct copy of the foregoing was served upon the parties identified on the following service list on this 29th day of September, 1999, by placing same in a postage paid envelope and depositing in the U.S. Mail.

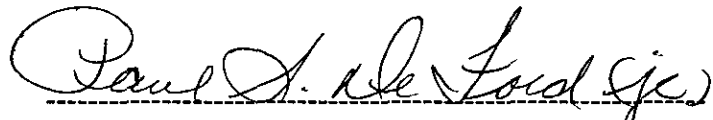
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