# OTTSEN, MAUZE, LEGGAT & BELZ, L.C.

ATTORNEYS AT LAW THE MIDVALE BUILDING 112 SOUTH HANLEY ST. LOUIS, MISSOURI 63105-3418 (314) 726-2800

THOMAS E. PULLIAM

FACSIMILE (314) 863-3821

May 24, 2002

### VIA UPS OVERNIGHT DELIVERY

Secretary of the Commission Missouri Public Service Commission Data Center - I<sup>51</sup> Floor 200 Madison Street Jefferson City, Missouri 65102

RE: MOPSC Case No. TO-2001-391

Dear Judge Roberts:

Enclosed please find an original and eight (8) copies of a Motion to be Excused From Prehearing Conference to be filed on behalf of Verizon Wireless in the above-referenced docket. Please file this Motion in your usual manner and return the extra enclosed copy with the date of filing stamped thereon directly to the undersigned in the enclosed, self-addressed stamped envelope at your first opportunity. In addition, as this preheating conference is scheduled for Wednesday, May 29, 2002, I would appreciate your bringing this to the attention of Judge Ruth at your first opportunity.

If you have any questions with respect to this filing, please contact me. Thank you for your attention to and assistance with this matter.

Very truly yours,

Thomas E. Pulliam

Sumas E. Pulliam.

TEP\wh
Enclosures

cc: Counsel of Record (via regular mail, w/enclosure)

Judge Vicky Ruth (via facsimile)

Anne Hoskins, Esq. (via regular mail, w/enclosure)

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

In the Matter of a Further Investigation of )	
the Metropolitan Calling Area Service After)	Case No. TO-2001-391
the Passage and Implementation of the	
Telecommunications Act of 1996	

### MOTION TO BE EXCUSED FROM PREHEARING CONFERENCE

COMES NOW, Cybertel Cellular Telephone Company d/b/a Verizon Wireless pursuant to 4 CSR 240-2.090 and, in support its Motion to be Excused from Prehearing Conference, hereby states as follows:

- 1. Verizon Wireless was granted intervenor status in this proceeding on March 16, 2001 by order of the Commission.
- 2. Although as a provider of cellular telephone service in the geographical areas involved in this docket, Verizon Wireless has an interest in this proceeding, it has not been an active participant in these proceedings to date, but has maintained its interest in the proceedings by monitoring the various filings which have taken place since this docket was opened.
- 3. Although Verizon Wireless desires to continue as an intervenor in this proceeding, having not been an active participant in the formulation and preparation of the Final Status Report, nor having taken any position on the issues of public hearings or the release of any highly confidential information contained in the Final Status Report, Verizon Wireless desires to be excused from participating in the Prehearing Conference scheduled for Wednesday, May 29,

2002, while reserving its position as an intervenor in the proceedings to give it the opportunity to become involved in **the future as** and when it may be appropriate.

WHEREFORE, Cybertel Cellular Telephone Company d/b/a Verizon Wireless hereby respectfully requests to be excused from participating in the Prehearing Conference scheduled for May 29, 2002, and any adjournments thereof to a later date.

OTTSEN, MAUZE, LEGGAT & BELZ, L.C.

#18684

#31036

Bv:

Mornas E. Pullian

James F. Mauzé, Esq. Thomas E. Pulliam, Esq. 112 South Hanley Road

St. Louis, Missouri 63105-3418

(314) 726-2800

(314) 863-3821 (Fax)

Attorneys for Movant Cybertel Cellular Telephone Company d/b/a Verizon Wireless

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was sent by first-class U.S. mail, postage prepaid to the following parties on this 24th day of May, 2002:

Office of the Public Counsel Post Office Box 7800 Jefferson City, Missouri 65102

General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, Missouri 65102

Craig S. Johnson Andereck, Evans, Milne, Peace & Baumhoer, LLC 305 East McCarty Street Jefferson City, Missouri 65102

Paul G. Lane Mimi B. MacDonald Southwestern Bell Telephone Company One Bell Center, Room 3520 St. Louis, Missouri 63101-1976

Lisa Creighton Hendricks Sprint Missouri, Inc. 6450 Sprint Pkwy, Bldg. 14 Mail Stop: KSOPHN0212-2A253 Overland Park, Kansas 66251

Charles W. McKee, Esq.
General Attorney
Sprint PCS
MS: KSOPHIO414
6160 Sprint Parkway, Building 9
Overland Park, Kansas 66251

Nancy Krabill XO Missouri, Inc. 1300 W. Mockingbird Lane, Ste. 200 Dallas, Texas 75247

Charles Brent Stewart Stewart & Keevil, L.L.C. 1001 Cherry Street, Suite 302 Columbia, Missouri 65201 Rebecca B. DeCook 1875 Lawrence Street, Ste. 1575 Denver, Colorado 80202

Stephen F. Morris, Esq. MCI Telecommunications Corporation 701 Brazos, Suite 600 Austin, Texas 78701

Carl J. Lumley Leland B. Curtis Curtis, Oetting, Heinz, Garrett & Soule, P.C. 130 South Bemiston, Suite 200 Clayton, Missouri 63105

Edward J. Cadieux, Esq. Carol Keith, Esq. Gabriel Communications of Missouri, Inc. 16090 Swingley Ridge Road, Suite 500 Chesterfield, Missouri 63006

Carol Pomponio, Esq. NEXTLINK Missouri, Inc. 2020 Waterport Center Drive Maryland Heights, Missouri 63146

W.R. England, III Brian T. McCartney Brydon, Swearengen & England, P.C. 312 East Capitol Avenue Post Office Box 456 Jefferson City, Missouri 65102-0456

Scott Sapperstein, Esq. Intermedia Communications, Inc. 3625 Queen Palm Drive Tampa, Florida 33619

Mark W. Comley Newman, Comley & Ruth P.C. 601 Monroe Street, Suite 301 Post Office Box 537 Jefferson City, Missouri 65102-0537 Mary Ann (Garr) Young William D. Steinmeier, P.C. 2031 Tower Drive Post Office Box 104595 Jefferson City, Missouri 65110-4595

Bradley R. Kruse, Associate General Counsel McLeodUSA Telecommunications Services, Inc. 6400 C Street, SW Post Office Box 3177 Cedar Rapids, Iowa 52406-3177

James M. Fischer Larry W. Dority Fischer & Dority, P.C. 101 Madison Street, Suite 400 Jefferson City, Missouri 65 101

Thomas R. Parker, Esq. Verizon 601 Monroe Street, Suite 304 Jefferson City, Missouri 65101

Peter Mirakian III Spencer, Fane, Britt & Browne, LLP 1000 Walnut Street, Suite 1400 Kansas City, Missouri 64106-2140

MCI Telecommunications Corporation 100 South Fourth Street St. Louis, Missouri 63102

Mumas E. Pullam

03100\E31