

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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.)

NUVOX COMMUNICATIONS OF MISSOURI, INC.'S
BIG RIVER TELEPHONE COMPANY, LLC'S, SOCKET TELECOM, LLC'S,
MCImetro ACCESS TRANSMISSION SERVICES, LLC'S AND
MCI WORLDCOM COMMUNICATIONS, INC.'S
JOINT REQUEST TO INTERVENE
AND OPPOSITION TO PROPOSED PROCEDURAL SCHEDULE

COME NOW NuVox Communications of Missouri, Inc. ("NuVox"), Big River Telephone Company, LLC ("Big River"), Socket Telecom, LLC ("Socket"), MCImetro Access Transmission Services, LLC ("MCImetro") and MCI WorldCom Communications, Inc. ("MCI WorldCom") (collectively hereinafter referred to as "Intervenors") pursuant to 4 CSR 240-2.075, and for their Joint Request to Intervene state to the Commission:

1. NuVox is a competitive telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Delaware and authorized to do business in the State of Missouri as a foreign corporation. Its principal Missouri offices are currently located at 16090 Swingley Ridge Road, Suite 500, Chesterfield, Missouri 63017. NuVox is an authorized provider of intrastate local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission. NuVox is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

2. Big River is a limited liability company duly organized and existing under and by virtue of the laws of the State of Delaware, duly authorized to do business in the State of Missouri.

Big River's principal place of business in Missouri is located at 24 S. Minnesota, Cape Girardeau, Missouri 63072. Big River is authorized as a competitive local exchange and interexchange telecommunications carrier under certificates granted and tariffs approved by the Commission. Big River is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

3. Socket is a competitive telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Missouri, as a limited liability company. Its principal Missouri offices are currently located at 1005 Cherry Street, Suite 104, Columbia, Missouri 65201. Socket is an authorized provider of intrastate switched and non-switched local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission. Socket is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

4. MCImetro is a Delaware limited liability company in good standing duly authorized to conduct business in Missouri with regulatory offices at 701 Brazos, Suite 600, Austin, Texas 78701. MCImetro is authorized as a competitive telecommunications company under certificates granted and tariffs approved by the Commission. MCImetro is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

5. MCI WorldCom is a Delaware corporation in good standing duly authorized to conduct business in Missouri with regulatory offices at 701 Brazos, Suite 600, Austin, Texas 78701. MCIWC is authorized as a competitive interexchange carrier under certificate granted and tariffs approved by the Commission. MCI WorldCom is also an authorized provider of interstate

telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

6. All communications and pleadings in this case should be directed to:

Carl J. Lumley
Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
314-725-8788
314-725-8789 (FAX)
clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

7. On or about July 30, 2004 the SBC Missouri filed its Motion to Investigate the State of Competition in SBC Missouri Exchanges.

8. Intervenors seek to intervene in this proceeding because the Commission's decision could adversely affect Intervenors interests as providers of telecommunications services in the State.

9. Intervenors interests as telecommunications companies are different from those of the general public. Furthermore, Intervenors intervention in this proceeding is in the public interest because of Intervenors interests in enhancing competition and because of their expertise in the telecommunications industry.

10. Intervenors oppose SBC's Motion because it is too general and unsupported by testimony. However, Intervenors cannot now assess any specific requests that may ultimately be made by SBC and must oppose its general requests.

11. In its Motion, SBC asks the Commission to make Intervenors parties to this case. Rather than waiting for a Commission order, Intervenors file their intervention in order to be able to advise the Commission that they strongly oppose SBC's proposed procedural schedule.

12. In its Motion, SBC sets forth a specific proposed schedule for this case. Even though it expresses the need to make more than 40 other entities parties to the case, it apparently seeks to exclude them from expressing their views on the schedule. This is contrary to due process. All parties have a right to participate in the discussions regarding a case schedule.

13. Intervenors specifically object to SBC's proposed schedule because: (1) it does not afford at least 30 days notice and opportunity to intervene to interested parties (4 CSR 240-2.075); and (2) the proposed time periods between rounds of testimony are much too compressed to allow adequate opportunity for discovery (including resolution of the inevitable motions to compel that arise from discovery disputes) and then the further opportunity to analyze the data obtained by discovery and prepare testimony regarding such data and analysis.

14. Intervenors urge the Commission not to set any schedule at this time. Rather, a prehearing scheduling conference should be set a reasonable time after the conclusion of a full 30-day intervention period, so that all interested parties can fairly participate in the development of the schedule.

WHEREFORE, NuVox Communications of Missouri, Inc., Big River Telephone Company, LLC, Socket Telecom, LLC, MCImetro Access Transmission Services, LLC and MCI WorldCom Communications, Inc., respectfully request the Commission to issue its order granting Intervenors' Joint Request to Intervene, denying SBC's proposed schedule, and setting appropriate dates for an intervention deadline and prehearing conference.

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

/s/ Carl J. Lumley

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
lcurtis@lawfirmemail.com

Attorneys for NuVox Communications of Missouri, Inc.,
Big River Telephone Company, Socket Telecom, LLC,
MCI metro Access Transmission Services, LLC and
MCI WorldCom Communications, Inc.

Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 4th day of August, 2004, either by e-mail or by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

Dana K Joyce
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

Sheldon K. Stock, Esq.
Greensfelder, Hemker & Gale
10 S. Broadway, Suite 2000
St. Louis, MO 63102

James M. Fischer
Larry Dority
Fischer & Dority, P.C.
101 Madison, Suite 400
Jefferson City, MO 65101

Kenneth A. Schiffman
Sprint Communications
6450 Sprint Parkway, Bldg. 14
Mail Stop: KSOPHN0212-2A253
Overland Park, KS 66251

Legal Department
Davidson Telecom, LLC
19003 Hodestone Mews Court
Davidson, NC 28036

Legal Department
KMC Telecom III, LLC
KMC Telecom V, LLC
1755 North Brown Road
Lawrenceville, GA 30043

Legal Department
Navigator Telecommunications
8525 Riverwood Park Drive
North Little Rock, AR 72113

Legal Department
CD Telecommunications
607 State Highway 165, Suite 5
Branson, MO 65616

John B Coffman
P.O. Box 2230
200 Madison Street, Suite 640
Jefferson City, MO 65102

William D. Steinmeier
Mary Ann (Garr) Young
William D. Steinmeier, P.C.
P.O. Box 104595
Jefferson City, MO 65110

Charles Brent Stewart
Stewart & Keevil, LLC
4603 John Garry Drive, #11
Columbia, MO 65203

Michelle Krezek
Level 3 Communications, LLC
1025 Eldorado Blvd.
Broomfield, CO 8021

Legal Department
Global Crossing Telemanagement
180 South Clinton Ave.
Rochester, NY 14646-0700

Legal Department
Missouri Telecom, Inc.
515 E. Cleveland St., Suite C
Monette, MO 65707

Legal Department
Excel Telecommunications
4550 Excel Way
Addison, TX 75001

Leo J Bub
SBC Missouri
One SBC Center, Room 3520
St. Louis, MO 63101

Rose M. Mulvany
Birch Telecom of Missouri
2020 Baltimore Ave.
Kansas City, MO 64108

Mark W. Comley
Newman, Comley & Ruth, P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102

Legal Department
Charter Fiberlink-MO LLC
12444 Powers Court Dr., Suite 100
St. Louis, MO 63101

Wendy Moser
Qwest Communications Corp.
1801 California, 47th Floor
Denver, CO 80202

Legal Department
Vartec Telecom, Inc.
1600 Viceroy Drive
Dallas, TX 75203

Legal Department
Winstar Wireless
1615 L Street NW, Suite 1260
Washington, D.C. 20036