

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

In the Matter of the Petition for Arbitration)	
of Unresolved Issues in a Section 251(b)(5))	Case No. TO-2006-0147
Agreement with T-Mobile USA, Inc.)	

**PETITIONERS' OPPOSITION
TO RESPONDENTS' MOTION TO FILE ANOTHER RESPONSE**

I. Introduction and Summary

On March 10, 2006, the Petitioners filed their second re-run set of cost studies in accordance with the Arbitrator's March 3, 2006 Final Arbitration Report. On March 16, 2006, the Respondents sought leave to file "a response of not more than ten pages" to Petitioners' second re-run cost studies by March 20, 2006. Petitioners oppose the Respondents' untimely attempt to get the last word in this case after the briefs have been filed and oral argument has been held.

II. Argument

1. The Final Arbitration Report contains no provision for continued argument or briefing of this case. Likewise, although the Commission's rules provide the opportunity for comment on the Arbitrator's Draft Report, there is no such opportunity for comment on the Arbitrator's Final Report. See 4 CSR 240-36.040(19)-(21). At some point, the arguments and pleadings must cease and the Commission must have time to review the case and issue a decision. The Commission's final decision is due on March 24, 2006. If the Respondents file yet another brief on March 20, 2006, then Petitioners will have no practical

opportunity to review Respondents' pleading and reply because the Commission may begin discussing this case as soon as March 21, 2006.

2. Post-hearing briefs in this matter were filed on February 8, 2006. The Arbitrator's Preliminary Report was issued on February 16, 2006, followed by extensive comments from the parties. The Arbitrator's Final Report was issued on March 3, 2006, and oral argument was held on March 7, 2006. Therefore, the matter is now submitted and pending before the Arbitration Panel and Commission for a final decision. The Arbitration Panel and Commission have the necessary expertise to review Petitioners' second re-run cost studies without further argument or extra-record evidence from Respondents.

3. The Petitioners have done their best to comply with the directives contained in the Preliminary Arbitration Report and the Final Arbitration Report. The Petitioners have provided extensive documentation and explanation of: (a) their initial cost studies, (b) their first set of re-run cost studies produced in response to the Preliminary Arbitration Report, and (c) their second set of re-run cost studies produced in response to the Final Arbitration Report. At no time during this arbitration have the Respondents produced their own cost studies, even though they have had numerous opportunities to do so. Instead, the Respondents simply criticize Petitioners' forward-looking cost studies and continue to propose "corrections" designed to lower the cost results.

III. Conclusion

WHEREFORE, Petitioners respectfully request that the Commission deny Respondents' motion for leave to file another response.

RESPECTFULLY SUBMITTED,

/s/ Brian T. McCartney

W.R. England, III Mo. #23975
Brian T. McCartney Mo. #47788
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue, P.O. Box 456
Jefferson City, MO 65102-0456
trip@brydonlaw.com
bmccartney@brydonlaw.com
(573) 635-7166
(573) 634-7431 (FAX)

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or via electronic mail, or hand-delivered on this 17th day of March, 2006, to the following parties:

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

Michael F. Dandino
Office of the Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102

Mark P. Johnson
Roger Steiner
Sonnenschein, Nath, and Rosenthal LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
mjohnson@sonnenschein.com
rsteiner@sonnenschein.com

John Paul Walters, Jr.
15 E. 1st Street
Edmond, OK 73034
pwalters@sbcglobal.net

/s/ Brian T. McCartney