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Attorney



**GTE Telephone
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January 14, 1998

VIA AIRBORNE EXPRESS

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 W. High Street, Room 530
Jefferson City, MO 65101

Subject: GTE MIDWEST INCORPORATED, INTRASTATE INTRALATA TOLL
SERVICES AGREEMENTS WITH SOUTHWESTERN BELL
TELEPHONE COMPANY AND UNITED TELEPHONE COMPANY OF
MISSOURI PURSUANT TO ORDER ISSUED IN CASE NO.
TC-96-439
CASE NO. TO-98-23

Dear Mr. Roberts:

Enclosed for filing are the original and fourteen (14) copies of GTE Midwest Incorporated's Motion to Dismiss in the above referenced case.

Thank you for your assistance in this matter.

Sincerely,


Tracy D. Pagliara BY RZ

TDP/RZ:sah
Enc.

c: D. Evans/C. Little - Jefferson City, MO

FILED
JAN 15 1998
MISSOURI
PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JAN 15 1998

MISSOURI
PUBLIC SERVICE COMMISSION

GTE MIDWEST INCORPORATED,)
INTRASTATE INTRALATA TOLL SERVICES)
AGREEMENTS WITH SOUTHWESTERN)
BELL TELEPHONE COMPANY AND UNITED)
TELEPHONE COMPANY OF MISSOURI)
PURSUANT TO ORDER ISSUED IN CASE)
NO. TC-96-439)

CASE NO. TO-98-23

GTE MIDWEST INCORPORATED'S MOTION TO DISMISS

COMES NOW, GTE Midwest Incorporated ("GTE") and respectfully moves to dismiss this case. In support of its Motion, GTE states:

1. Pursuant to FCC Rule 51.303(b) GTE submitted certain Primary Toll Carrier ("PTC") Agreements between it and Southwestern Bell and United Telephone Company of Missouri.

2. On July 18, 1997, the United States Court of Appeals for the Eighth Circuit in Iowa Utilities Board v. FCC, vacated FCC Rule 51.303 and left for the state commissions to determine which interconnection agreements must be submitted for approval.

3. On August 25, 1997, Chief Administrative Law Judge Dale Hardy Roberts wrote a letter advising GTE that the Missouri Public Service Commission had made no independent decision on this issue.

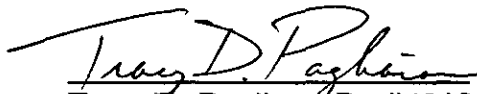
4. GTE concurs with Southwestern Bell's position that Commission approval of PTC Agreements is unnecessary.

5. At this point there is no authority for filing these agreements and no action that GTE requests to be taken by the Commission. Therefore GTE requests that this case be dismissed.

WHEREFORE, GTE Midwest Incorporated respectfully requests the Commission to dismiss this case.

Respectfully submitted,

GTE MIDWEST INCORPORATED


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Attorney for GTE Midwest Incorporated

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was mailed via Airborne Express to Dale Hardy Roberts, Secretary/Chief Regulatory Law Judge, Missouri Public Service Commission, 301 W. High Street, Room 530, Jefferson City, MO 65101 and was mailed, postage prepaid, this 14th day of January, 1998 to the following:

Office of the Public Counsel
301 W. High Street, Room 250
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Staci A. Huth
TO-98-23