

CURTIS, OETTING, HEINZ, GARRETT & O'KEEFE, P. C.
ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200
ST. LOUIS, MISSOURI 63105
(314) 725-8788
FAX (314) 725-8789

CARL J. LUMLEY
PRINCIPAL

CLUMLEY@COHGS.COM

October 11, 2002

Secretary of the Commission
Missouri Public Service Commission
200 Madison, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

Via Federal Express
835733397649

FILED³
OCT 15 2002

Re: Case No. AX-2001-654

Missouri Public
Service Commission

Dear Secretary:

We would like to submit the following limited comments to the Commission regarding the above-referenced rulemaking.

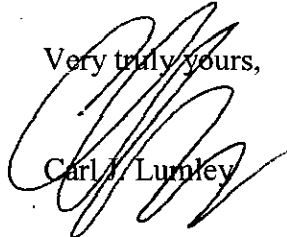
1. Proposed rule 4 CSR 240-3.545 in part republishes current rule 4 CSR 240-30.010(2)(C). This current rule has been routinely waived for competitive telecommunications companies in their certification/classification proceedings. To make certain that neither the companies nor the Commission get burdened by duplicative waiver proceedings, we suggest that in its Order of Rulemaking, the Commission confirm that previously granted waivers of 4 CSR 240-30.010(2)(C) shall automatically extend and apply to new rule 4 CSR 240-3.545(2)(C).

2. Likewise, proposed rule 4 CSR 240-3.550 in part republishes current rule 4 CSR 240-32.030(4)(C). For the reasons stated above, we suggest that the Commission confirm in its Order herein that previously granted waivers of 4 CSR 240-32.030(4)(C) shall automatically extend and apply to new rule 4 CSR 240-3.550(5)(C).

3. We also note that certain cross-references in the proposed rules inadvertently continue to use current section numbers instead of new section numbers. For example, see proposed rule 4 CSR 240-3.550(5)(B).

Thank you for the opportunity to submit these comments.

Very truly yours,



Carl J. Lumley

cc. Office of Public Counsel
General Counsel