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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of AT&T Communications of the)
Southwest, Inc.'s Petition for Arbitration)
Pursuant to Section 252(B) of the Tele-)
communications Act of 1996 to Establish) Case No. TO-97-40
an Interconnection Agreement with South-)
western Bell Telephone Company.)

In the Matter of the Petition of MCI)
Telecommunications Corporation and)
its Affiliates, including MCImetro)
Access Transmission Services, Inc.,)
for Arbitration and Mediation Under) Case No. TO-97-67
the Federal Telecommunications Act of 1996)
of Unresolved Interconnection Issues with)
Southwestern Bell Telephone Company.)

CONCURRING OPINION OF COMMISSIONER HAROLD CRUMPTON

I concur with the majority in consolidated Case Nos. TO-97-40, filed by AT&T Communications of the Southwest, Inc., and TO-97-67, filed by MCI Telecommunication Corporation and its Affiliates, including MCIMetro Access Transmission Services, Inc., in order that the Missouri Public Service Commission ("Commission") might meet its statutory responsibilities under the Telecommunications Act of 1996 ("TA of 1996").

I concur with the following concerns.

In the initial or first phase of this proceeding, the Commission allowed prefiled testimony, discovery, a hearing with cross-examination, briefs, etc. Having begun in such a manner, it was reasonable for the parties to conclude the proceeding would end in the same fashion. However, such was not the case.

In response, Southwestern Bell Telephone Company ("SWBT"), the Office of the Public Counsel ("OPC") and MCI Telecommunications Corporation ("MCI") raised due process issues concerning the procedures used in the setting of final prices. In the Commission's Order Granting Clarification And Modification And Denying Motion To Identify And Motions For Rehearing, the Commission said, "After reviewing Staff's analysis, the Commission will announce proposed permanent rates and ask all parties to comment. If deemed necessary by the Commission, prior to setting permanent rates the Commission will conduct an on-the-record proceeding to allow statements from the parties and questions by Commissioners."

However, there was no legal requirements which compelled my esteemed colleagues to deny an additional hearing with cross-examination, additional evidence, additional discovery, additional briefs, etc. I believe the majority's denial was based on a very narrow interpretation of both the Federal Arbitration Act ("FAA") and the Missouri Arbitration Act ("MAA").

I would support procedures that would afford the parties more due process, that is, a greater opportunity to present their cases, than what my colleagues provided. In future arbitrations, I hope the Commission will see the value of proceeding in such a manner.

Given the record developed for the Final Arbitration Order and the arbitration procedures utilized by the majority, the Commission reached a reasonable decision. Nonetheless, as in my earlier concurrences, I have serious concerns about attempting to set real prices using speculative costs based on yet to be built networks. When this speculation is extended to include network elements, then consumers and investors are potentially exposed to possible harm. This whole process was created by the Federal Communications Commission ("FCC") and we are spending a great amount of

time trying to prevent it from being detrimental or contrary to the public interest.

Respectfully submitted,

A handwritten signature in cursive script, reading "Harold Crumpton". The signature is written in dark ink and is positioned above a horizontal line.

Harold Crumpton, Commissioner

Dated at Jefferson City, Missouri, on
this 21st day of November, 1997.