

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Determination of Prices,)	
Terms, and Conditions of Line Splitting and)	Case No. TO-2001-440
Line Sharing.)	

**SBC MISSOURI'S INITIAL COMMENTS REGARDING
THE IMPACT OF THE TRIENNIAL REVIEW ORDER**

COMES NOW Southwestern Bell Telephone L.P., d/b/a SBC Missouri (SBC Missouri), and for its Initial Comments Regarding the Impact of the FCC's Triennial Review Order (TRO)¹ on this case, states to the Missouri Public Service Commission (Commission) as follows:

¹In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147 (FCC 03-36), rel. August 21, 2004 ("Triennial Review Order"). In addition, on May 24, 2002, the United States Court of Appeals for the District of Columbia Circuit issued its decision in United States Telecom Association, et al. ("USTA Decision"), 290 F.3d 415 (D.C. Cir. 2002), in which the Court granted the petitions for review of the Federal Communications Commission's ("FCC") Third Report and Order and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 96-98 (FCC 99-238) ("the UNE Remand Order") and the FCC's Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98 (FCC 99-355) (rel. Dec. 9, 1999) ("the Line Sharing Order"), and vacated and remanded the UNE Remand and Line Sharing Orders in accordance with the decision. In addition, in its Triennial Review Order, the FCC announced that it planned to commence its Biennial Review proceeding in 2004. In submitting these comments, SBC Missouri notes that the Triennial Review Order was just released on August 21, 2003 and is not yet effective and therefore, SBC Missouri does not waive, and expressly reserves, all of its rights, remedies and arguments with respect to the USTA Decision, the Triennial Review Order, the Biennial Review proceeding and any other federal or state regulatory, legislative or judicial action(s) which relate to the matters addressed in this proceeding, including, but not limited to, any and all change in law/intervening law rights it may have under existing agreements or otherwise, and any legal or equitable rights of review and remedies (including agency reconsideration and court review). In addition, SBC Missouri reserves the right to withdraw, revise or otherwise modify its comments and positions consistent with the USTA Decision, the Triennial Review Order (after further analysis and review) and/or any other relevant regulatory, judicial or legislative action.

I. BACKGROUND

This case was established by the Commission as a spin-off case from SBC Missouri's Section 271 Application case in Missouri.² On February 13, 2001, the Commission issued its Interim Order Regarding the Missouri Interconnection Agreement (M2A Interim Order) in Case No. TO-99-227 (SWBT's Section 271 Application Case). In its M2A Interim Order, the Commission identified a handful of areas in the M2A where the Commission believed revisions and/or additional provisions were necessary in order for the M2A to satisfy the competitive checklist contained in Section 271(2)(B) of the federal Telecommunications Act of 1996 (Act).³ Two of the areas identified by the Commission were "line sharing" and "line splitting."⁴

The Commission determined that SBC Missouri should make line sharing and line splitting available in the M2A on interim prices, terms and conditions. Id. When it approved SBC Missouri's proposed Section 271 application, the Commission also stated that it would begin, "in an expeditious manner," proceedings to determine permanent prices, terms and conditions, to replace the interim prices, terms and conditions contained in the M2A. Id. This case, along with two other M2A-related cases, (Case Nos. TO-2001-438 and TO-2001-439) was established just two days later, on February 15, 2001.

In its February 15, 2001, Order Establishing Case and Directing Notice in this case, the Commission made it clear that this case was a spin-off case from SBC Missouri's Section 271 Application case, and was being established to adopt permanent prices, terms and conditions for line sharing and line splitting pursuant to SBC Missouri's

² See, Case No. TO-99-227.

³ M2A Interim Order, pp. 2-3.

⁴ M2A Interim Order, pp. 6-7.

request for Section 271 authority in Case No. TO-99-227. At page one of its February 15, 2001, Order Establishing Case and Directing Notice, the Commission stated:

In Case No. TO-99-227, Southwestern Bell Telephone Company (SWBT) provided notice that it intends to file with the Federal Communications Commission (FCC) its application for authorization to provide in-region interLATA services originating in Missouri pursuant to Section 271 of the Telecommunications Act of 1996. In its review of the record in TO-99-227, the Commission has determined that certain areas of pricing, including terms and conditions of those prices, need further review.

Therefore, the Commission will establish this case to determine the prices, terms and conditions for SWBT to offer line-splitting and line sharing as identified in Case No. TO-99-227.

One day later, on February 16, 2001, SBC Missouri filed a revised M2A addressing the issues raised by the Commission in its February 13, 2001, M2A Interim Order. This revised M2A included the interim line sharing and line splitting provisions that the Commission directed SBC Missouri to include in the M2A. On March 6, 2001, the Commission issued its initial Order Finding Compliance With the Requirements of Section 271 of the Telecommunications Act of 1996 in Case No. TO-99-227. In this Order, the Commission approved SWBT's M2A, and stated that it "supports SWBT's application for authority to provide in-region interLATA telecommunications service within Missouri."⁵ The Commission based its decision, in part, on its intention to "expeditiously" determine permanent prices, terms and conditions for line splitting and line sharing to be included in the M2A.⁶

Less than two weeks later, on March 15, 2001, the Commission issued its detailed Order Regarding Recommendation on 271 Application Pursuant to the Telecommunications Act of 1996 and Approving the Missouri Interconnection

⁵Order, p. 5.

⁶Order p. 4.

Agreement (“M2A”)(M2A Order). In this Order, the Commission once again reaffirmed that this case was established as a spin-off case from SWBT’s Section 271 Application case, to determine prices, terms and conditions for line sharing and line spitting to be included in SWBT’s M2A. The Commission stated:

The prices, terms, and conditions for SWBT’s line sharing in the M2A are subject to a limited true-up with permanent prices, terms, and conditions set forth in the Commission’s Case No. TT-2001-440.⁷

As the procedural history described above illustrates, this case was originally established by the Commission to adopt permanent prices, terms and conditions for line sharing and line splitting to replace the interim line sharing and line splitting provisions currently contained in the M2A.

In general, “line sharing” as originally defined by the FCC in its Line Sharing Order refers to a competitive local exchange carrier (CLEC) utilizing the “high frequency portion of a loop” (HFPL) to provide Digital Subscriber Line (DSL)-based service to an end-user customer over the same copper loop facility that the incumbent local exchange carrier (ILEC) is providing and continues to provide retail POTS⁸ analog voice service to the same end user customer.⁹ As will be described below, in its Line Sharing Order, the FCC required ILECs to make the HFPL available as an unbundled network element (UNE). In its Line Sharing Reconsideration Order,¹⁰ the FCC clarified certain issues with respect to an ILEC’s obligations as to line sharing and also addressed “line splitting,” which is different than line sharing. In its Line Sharing Reconsideration Order,

⁷ M2A Order, p. 72.

⁸ “POTS” refers to “plain old telephone service.”

⁹ Line Sharing Order, Para. 4.

¹⁰ *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Third Report and Order On Reconsideration in CC Docket No. 98-147, Fourth Report and Order On Reconsideration in CC Docket No. 96-98, third further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, CC Docket No. 98-147. FCC 01-26 (rel. Jan. 19, 2001)(*Line Sharing Reconsideration Order*).

the FCC defined “line splitting” as the use of a stand-alone xDSL loop when a CLEC seeks to provide combined voice and data services on that same loop, or wishes to partner with another CLEC to provide voice and data services over the same xDSL loop to the same end-user customer.¹¹ Finally, in February, 2001, the FCC issued its Line Sharing Clarification Order,¹² in which the FCC clarified that the Line Sharing Reconsideration Order in no way modified the criteria set forth in the Commission’s UNE Remand Order regarding the unbundling of packet switching functionality.

It is against this existing federal regulatory backdrop that the Commission began the process to determine the appropriate terms and conditions for line splitting and line sharing to be included on a permanent basis in the M2A. Pursuant to the procedural schedule adopted in this case by the Commission, the parties filed direct, rebuttal and surrebuttal testimony, and the Commission conducted an initial round of hearings in August, 2001. At this hearing, some parties (over SBC Missouri’s objection) began to present their demands regarding the unbundling of SBC Missouri’s proposed Next Generation Digital Loop Carrier architecture (e.g., Project Pronto). On October 9, 2001, however, the Commission determined that the “appropriate place to address SWBT’s proposed deployment of the Project Pronto architecture, and the CLECs’ claims regarding the unbundling of that architecture, is in a separate, new case.”¹³ Following a second round of hearings in this case in October, 2001, the parties submitted their initial and reply briefs in November, 2001. After Staff submitted its late-filed Exhibit 42 on

¹¹ See, Para. 18.

¹² In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket Nos. 98-147 and 96-98, Order Clarification, DA 01-480 (rel. February 23, 2001)(*Line Sharing Clarification Order*).

¹³ Order, p. 4.

October 29, 2001, the Commission scheduled and conducted a supplemental hearing on January 4, 2002, regarding Staff's late-filed Exhibit 42.¹⁴ Thereafter, the parties filed supplemental briefs regarding Staff's late-filed Exhibit 42.

On May 24, 2002, the U.S. Court of Appeals for the District of Columbia Circuit issued its *USTA* decision, in which the Court granted the petitions for review of the FCC's UNE Remand Order and its Line Sharing Order, and vacated and remanded the UNE Remand and Line Sharing Orders in accordance with the decision. On February 27, 2003, the D.C. Circuit issued its mandates as to the FCC's UNE Remand and Line Sharing Orders.

On February 20, 2003, the FCC issued a News Release announcing its TRO, and the adoption of new rules relating to the network unbundling obligations of incumbent LECs. On March 31, 2003, the Commission issued an order directing the parties in this case to file preliminary pleadings outlining the anticipated effect of the FCC's TRO. SBC Missouri, AT&T, Covad and the Commission Staff filed comments, and on May 15, 2003, the Commission issued an order directing that "within 20 days of the Federal Communications Commission's issuance of its Triennial Review Order, the parties shall file briefs regarding the impact of that order on this case." On August 21, 2003, the FCC released its TRO.

¹⁴ Staff's late-filed Exhibit 42 consists of a line sharing amendment and a line splitting amendment to SBC Missouri's M2A, which Staff proposed following the second round of hearings conducted by the Commission in October, 2001.

II. THE IMPACT OF THE FCC's TRO ON THIS CASE

A. LINE SHARING

1. The FCC's TRO

In its TRO, the FCC defined "line sharing" as:

"when a competing carrier provides xDSL service over the same line that the incumbent LEC uses to provide voice service to a particular end user, with the incumbent LEC using the low frequency portion of the loop and the competing carrier using the HFPL"¹⁵

In its TRO, the FCC found that ILECs are not required to provide unbundled access to the HFPL.¹⁶

The FCC also ordered that until its next Biennial Review proceeding (scheduled to commence in 2004), all existing line sharing arrangements in place prior to the effective date of its TRO would be "grandfathered." In particular, the FCC found that in those instances where a CLEC began providing xDSL-based service to an end-user at a location prior to the effective date of the TRO ("Grandfathered End-User"), the ILEC must continue to provide the HFPL to that CLEC (or that CLEC's successor or assign) to serve that Grandfathered End-User at the same location, at the same rate that was applicable between the ILEC and CLEC for the HFPL prior to the effective date of the TRO,¹⁷ until the CLEC's xDSL-based service/HFPL for that Grandfathered End-User is disconnected or cancelled.¹⁸

¹⁵ TRO, Para. 255.

¹⁶ TRO, Page 11 and Paras. 258-263 and 47 C.F.R.-§51.319(a)(1)(i).

¹⁷ To the extent that the HFPL recurring rate in effect between the Parties prior to the effective date of the TRO was "interim" and subject to retroactive true-up upon the Commission's establishment of final HFPL recurring rates(s), then the interim HFPL recurring rate that was applicable between the Parties prior to the effective date of the TRO would remain subject to retroactive true-up as provided for in a CLEC's Interconnection Agreement with SBC Missouri upon the Commission's establishment of a final HFPL recurring rate.

¹⁸ 47 C.F.R. §51.319(a)(1)(i)(A) and TRO, Para. 264.

The FCC also established a three (3) year “transition period” for any “new” end-user customers a CLEC begins providing xDSL-based service to via the HFPL on or after the effective date of the TRO and before the date that is one year plus one day after the effective date of the TRO (“New End-Users”). Specifically, during the first year of the three year transition period, which begins on the effective date of the TRO, a CLEC may continue to obtain New End-Users through the use of the HFPL at 25 percent of the state-approved monthly recurring rate or of the monthly recurring rate set forth in the ILEC’s Interconnection Agreement with that CLEC, for access to a copper loop in effect on that date for that particular location. The FCC found that New End-Users may only be obtained by CLECs during the first year of the three year transition period. During the second year of the transition period, which begins on the date that is one year and one day after the effective date of the TRO, the recurring charge for such access for those New End-Users obtained during the first year of the transition period increases to 50 percent of the applicable loop rate for a copper loop in effect between the Parties for that location. In the third and final year of the FCC’s transition period, which begins two years plus one day after the effective date of the TRO, until three years after the effective date of the TRO, the CLEC’s recurring charge for access to the HFPL for those New End Users obtained during the first year of the transition period increases to 75 percent of the applicable loop rate for a copper loop in effect between the parties for that location. After the transition period, CLECs will no longer have access to the HFPL to serve any new end-user customers, and both the New End-Users obtained by CLEC during the first year of the transition period, and any new end-user customers obtained by CLEC following the transition period, must be served through line splitting arrangements,

through stand-alone xDSL copper loops (at 100 percent of the recurring loop charge), or through an alternate negotiated arrangement with an incumbent LEC.¹⁹

The FCC, in implementing the line sharing transition plan, found that it was necessary to reaffirm or reinstate certain rules relating to the HFPL, including the FCC's spectrum management rules²⁰ and its prior definition of the HFPL "as the frequency range above the voiceband on a copper loop facility that is being used to carry analog circuit-switched voiceband transmissions."²¹ The FCC found that "the features, functions, and capabilities of the HFPL network element are those that establish a complete transmission path on the frequency range above the one used to carry analog circuit-switched voiceband transmissions between the [ILEC's] distribution frame (or its equivalent) in its central office and the demarcation point at the end-user customer's premises, and includes any inside wire owned by the incumbent LEC."²² The FCC also affirmed that ILECs must condition loops to enable requesting carriers to access the HFPL, subject to the conditions set forth in the FCC's loop conditioning rule, and reinstated its prior requirement that ILECs "must provide physical loop test access points on a nondiscriminatory basis for the purposes of loop testing, maintenance, and repair activities."²³

The FCC also reinstated its rule that ILECs are only required to provide access to the HFPL in those instances where the ILEC is providing, and continues to provide, retail POTS analog circuit-switched voiceband services on a particular loop over which a

¹⁹ 47 C.F.R. §51.319(a)(1)(i)(B)(1)-(3); and Para. 265 and Footnotes 787 and 788 of TRO.

²⁰ 47 C.F.R. §§51.230-.233.

²¹ 47 C.F.R. §51.319(h)(1) and Para. 268 of TRO.

²² TRO, Para. 268

²³ Para. 268 and 47 C.F.R. §51.319(h)(5) and (7).

requesting carrier seeks access to provide xDSL-based service. In the event that the end-user customer's ILEC retail POTS service is disconnected, the CLEC must purchase the full-stand-alone loop to continue providing xDSL service. The FCC also reaffirmed its prior finding that ILECs *may* maintain control over the loop and splitter equipment and functions, but are not required to do so.²⁴ Finally, the FCC once again found that ILECs have no obligation to make available unbundled access to the low frequency portion of loop.²⁵

2. Further Commission Action Required

Based on the FCC's TRO, the Commission should take the following steps regarding the adoption of permanent rates, terms and conditions regarding line sharing in this case:

- Adopt SBC Missouri's proposed Post-Triennial Review Line Sharing Appendix, when available. SBC Missouri is currently in the process of developing a Post-TRO Line Sharing Appendix that is consistent with the FCC's TRO and which will be provided to all CLECs in Missouri who currently have line sharing provisions in their Interconnection Agreements with SBC Missouri and/or who may wish to sign up new end-user customers to be served over the HFPL (when eligible) during the first year of the transition period, following the effective date of the TRO. SBC Missouri will file its post-TRO Line Sharing Appendix within 30 days after the effective date of the TRO (if the TRO is not stayed or enjoined).
- Complete the second phase of this case, as originally contemplated by the Commission, to adopt final rates for line sharing to be included in the M2A. With respect to "Grandfathered End-Users," the FCC found that the ILEC must continue to make available the HFPL to CLEC (or CLEC's successor or assign) to serve an end-user at a particular location at the same rate that was applicable between the ILEC and that CLEC for the HFPL prior to the effective date of the Order until the CLEC's xDSL-based service to that particular end user is disconnected for whatever reason at that location. Today, CLECs in Missouri operating under the M2A

²⁴47 C.F.R. §51.319(h)(3) and Para. 269 of TRO.

²⁵ TRO, Para. 270.

Optional Line Sharing Appendix and certain other non-M2A line sharing appendices are purchasing the HFPL at an interim monthly recurring rate that is subject to retroactive true-up upon the Commission's establishment of final HFPL monthly recurring rates. Therefore, the Commission should adopt final HFPL monthly recurring rate(s) to apply to any Grandfathered End-Users during the interim period (pending the FCC's Biennial Review proceeding or other relevant government action), and which would be subject to retroactive true-up in accordance with the terms of the M2A.

B. LINE SPLITTING

1. The FCC's TRO

In its TRO, the FCC generally reaffirmed its prior findings with respect to line splitting, but adopted specific line splitting rules. The FCC's new rules define line splitting as "the process in which one competitive LEC provides narrowband voice service over the low frequency of a loop and a second competitive LEC provides xDSL service over the high frequency portion of that same loop."²⁶ The FCC's new rules also provide that an ILEC "shall provide a requesting telecommunications carrier that obtains an unbundled copper loop from the [ILEC] with the ability to engage in line splitting arrangements with another [CLEC] using a splitter collocated at the central office where the loop terminates into a distribution frame or its equivalent,"²⁷ and applies regardless of whether the CLEC provides voice service using its own switching or obtains local circuit switching as a UNE. The FCC's new rules also reaffirm the FCC's prior finding, in its Line Sharing Reconsideration Order, that ILECs are required to modify their OSS to facilitate line splitting, and again encouraged incumbent LECs and CLECs to use existing

²⁶ See 47 C.F.R. § 51.319(a)(1)(ii)(A) and (B). See also Paras. 211, 251-252 and Footnotes 750-751.

²⁷ Id.

state collaboratives and change management processes to address any OSS modifications that are necessary to support line splitting by CLECs.²⁸

2. Further Commission Action Required

Based on the limited manner in which the FCC addressed line splitting in the TRO, SBC Missouri does not believe the Commission needs to take any significant further action with respect to line splitting in this proceeding. Rather, in light of the TRO, SBC Missouri would propose that the following language (currently Section 4.5 of Appendix HFPL to the M2A Optional Line Sharing Appendix), be modified as follows (with SBC Missouri's proposed modifications appearing in italicized text):

4.5 CLEC may provide voice and data services over the same ~~2-wire or 4-wire~~ copper xDSL loop, by engaging in "line splitting," as set forth in *the FCC's Triennial Review Order and implementing rules. ~~Order (CC Docket 00-65 (FCC 00-238), released June 30, 2000).~~* Consistent with that Order, SWBT shall not be required to provide low frequency voice service to CLEC "A" and high frequency data service to CLEC "B" on the same xDSL loop. Any line splitting between two CLECs shall be accomplished between those parties *using a CLEC-owned or provided splitter collocated in an SWBT central office where the xDSL loop terminates into a distribution frame or its equivalent* and shall not utilize SWBT's HFPL product or any SWBT-owned or provided splitters. ~~CLEC shall provide any splitters used for line splitting.~~ To implement line splitting, CLEC may order, including using supporting OSS, xDSL loops, unbundled switching, collocator-to-collocator connections, and available cross-connects, under the *rates*, terms and conditions set forth in this Agreement.

No other changes to this language regarding line splitting are necessary based on the FCC's TRO. In earlier stages of this case, some parties proposed that the Commission adopt a separate new "Line Splitting Appendix" to include in the M2A. As SBC Missouri established in several of its briefs responding to these

²⁸Id.

proposals,²⁹ a separate appendix addressing line splitting was not necessary or appropriate under the FCC's prior decisions relating to line splitting, and such proposals remain inappropriate given that the FCC in its TRO and its new line splitting rules generally reaffirmed the FCC's prior findings with respect to line splitting. SBC Missouri's current offerings, as described above, satisfy the FCC's requirements relating to CLECs' ability to engage in line-splitting.

OTHER ISSUES ADDRESSED BY THE FCC IN ITS TRO

As described above, on October 9, 2001, the Commission determined that "the appropriate place to address SWBT's proposed deployment of the Project Pronto architecture, and the CLECs' claim regarding the unbundling of that architecture, is in a separate, new case." The FCC's new findings regarding broadband facilities and packet switching contained in the TRO confirm that the Commission's decision to exclude all Project Pronto-related issues from this case was appropriate in October, 2001, and remains appropriate today.

In particular, in its TRO, the FCC found that on a national basis, ILECs are not required to unbundle packet switching, including routers and DSLAMs, as a stand-alone network element.³⁰ The TRO eliminated the current limited requirement for the

²⁹ See, Initial Brief of Southwestern Bell Telephone Company, Case No. TO-2001-440, pp. 20-23 (filed Nov. 2, 2001); Reply Brief of Southwestern Bell Telephone Company, Case No. TO-2001-440, pp. 10-13 (filed Nov. 9, 2001); Supplemental Initial Brief of Southwestern Bell Telephone, L.P., Case No. TO-2001-440, pp. 45-53, filed Feb. 7, 2002).

³⁰The FCC defines "packet switching capability" as "the routing or forwarding of packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells or other data units, and the functions that are performed by the [DSLAMS], including but not limited to the ability to terminate an end-user customer's copper loop (which includes both a low-band voice channel and a high-band data channel, or solely a data channel); the ability to forward the voice channels, if present, to a circuit switch or multiple circuit switches; the ability to extract data units from the data channels on the loops; and the ability to combine data units from multiple loops onto one or more trunks connecting to a packet switch or packet switches." See 47 C.F.R. § 51.319(a)(2)(i).

unbundling of packet switching.³¹ The FCC found that ILECs are not required “to unbundle the next-generation network, packetized capabilities of their hybrid loops to enable requesting carriers to provide broadband services to the mass market,” including “any transmission path over a fiber transmission facility between the central office and the customer’s premises (including fiber feeder plant) that is used to transmit packetized information.”³² The FCC also found that ILECs are not required “to provide unbundled access to any electronics or other equipment used to transmit packetized information over hybrid loops, such as the xDSL-capable line cards installed in DLC systems or equipment used to provide passive optical networking (PON) capabilities to the mass market.”³³

These findings clearly support SBC’s long-held position that it is not required to unbundle the packetized bandwidth, functionalities or equipment deployed in conjunction with Project Pronto or to offer new packetized features or functions in connection with its Project Pronto architecture. In addition, such findings, along with the FCC’s repeated assertions in its TRO that its deregulation of broadband (on a national basis) is intended to encourage the deployment of advanced telecommunications capabilities in accordance with Section 706 of the Act, make clear that the FCC has now definitely determined that ILECs cannot be required to provide unbundled access to its packetized bandwidth, functionalities or equipment. Accordingly, this Commission’s previous decision to limit the scope of this case to line sharing and line splitting (as defined by the FCC) and to exclude Project Pronto-related issues from this case must stand.

³¹See Paras. 537 and 539-541 of TRO.

³² TRO, Para. 288.

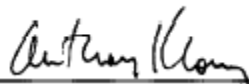
³³See Para. 288 of TRO. *See also* 47 C.F.R. § 51.319(a)(2)(i).

CONCLUSION

Following the effective date of the FCC's TRO, subject to any stay, appeals or associated review, SBC Missouri requests that it be permitted to file, and that the Commission adopt, SBC Missouri's Post-Triennial Review Line Sharing Appendix to apply to all CLECs which are subject to the provisions of the M2A concerning line sharing, subject to the conditions set forth in the TRO, and SBC Missouri's TRO – conforming line splitting language (a draft of which is set forth above), and that following such submission, the Commission act expeditiously to conclude Phase 1 of Case No. TO-2001-440 as described above, and begin Phase 2 to adopt final rates for line sharing as described herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this document was served on all counsel of record by electronic mail on September 10, 2003.



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