

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

In the Matter of Southwestern Bell Telephone,)	
L.P., d/b/a SBC Missouri's Request for)	Case No. TO-2006-0093
Competitive Classification Pursuant to Section)	Tariff File No. YI-2006-0144
392.245.6 RSMo (2005) - 30-Day Petition.)	

SBC MISSOURI'S PRETRIAL BRIEF

SBC Missouri,¹ pursuant to the Missouri Public Service Commission's ("Commission's") September 2, 2005 Order,² submits this Pretrial Brief to address the very limited issues in dispute in this proceeding.

INTRODUCTION

Section I of this Brief sets out the statutory standard for obtaining competitive classification under the simplified process outlined in Senate Bill 237 ("SB 237"). While the parties may disagree on how some parts of the statute should be interpreted, there are no issues concerning the statutory standard that the Commission must resolve in this case.

Section II addresses how the evidence presented in this proceeding, from SBC Missouri and Commission Staff, satisfies the statutory standard and requires the Commission to grant competitive classification to the business and residential services in the exchanges identified by SBC Missouri in Exhibits A-1 and A-2 to its Petition, and in the additional exchanges identified by Staff in its testimony. SBC Missouri's evidence, as presented in its Petition and in Mr. Unruh's testimony, demonstrates that SBC Missouri has met the statutory requirements for competitive classification in each of the exchanges it requested.

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri."

² Order Directing Notice, Establishing Procedural Schedule, Reserving Hearing Date, and Granting Protective Order, Case No. TO-2006-0093, issued September 2, 2005, at pp. 3, 5.

For most of the requested exchanges, Staff has provided verification that the statutory criteria has been met and has recommended competitive classification be granted. Staff has also identified other exchanges in which the statutory criteria for competitive classification have been met,³ and the law requires the Commission to take this into account and grant competitive classification in these additional exchanges.

Staff has withheld a positive recommendation on certain exchanges because it is still waiting on some CLECs to answer its data inquiries. But that position provides no basis for denial of competitive classification. Staff's approach has failed to take the data SBC Missouri has provided with respect to those exchanges into account and has ignored other evidence the Commission has in its records. But more importantly, Staff has presented no information showing that SBC Missouri's evidence concerning those exchanges is inaccurate or that competitive classification should be denied.

Apart from those exchanges where Staff is awaiting information from a CLEC, Staff substantively disagrees with SBC Missouri only with respect to competitive classification for business services in the Fulton exchange. But that disagreement was based on an oral representation from a CLEC that the CLEC's own website has since shown to be incorrect. Staff has advised SBC Missouri that it now intends to recommend competitive classification for business services in the Fulton exchange.

Although the Office of Public Counsel ("OPC") has filed objections, it has presented no evidence that would support denial of the requested competitive classifications.

³ Van Eschen Direct, pp. 13-14, Sch. 1.

ARGUMENT

I. THE STATUTORY STANDARD

Senate Bill No. 237 (“SB 237”)⁴ dramatically changes the process for determining whether the services in an exchange are to be classified as competitive. Before SB 237, the Commission was required to determine whether or not “effective competition” existed for the requested services in the designated exchanges. Under this “effective competition” standard, the Commission considered, among other things, the extent of competition in the exchange, whether pricing was reasonably comparable, and whether competitors were offering functionally equivalent or similar services. Under SB 237, however, the Commission is not to determine whether “effective competition” exists.

Instead, SB 237 requires the Commission to apply a simple, expedited, two-track procedure when a price cap regulated ILEC seeks competitive classification for its services within one or more exchanges. The 30-day track⁵ establishes a competitive “trigger” that focuses solely on whether the requisite number of carriers are providing “basic local telecommunications service” within an exchange:

Upon request of an incumbent local exchange telecommunications company seeking competitive classification of business service or residential service, or both, the commission shall, within thirty days of the request, determine whether the requisite number of entities are providing basic local telecommunications service to business or residential customers, or both, in an exchange and if so, shall approve tariffs designating all such business or residential services other than exchange access, as competitive within such exchange.

⁴ Governor Blunt signed SB 237 into law on July 14, 2005, after it was overwhelmingly passed by both the Missouri Senate (29 to 3) and House of Representatives (155 to 3). It became effective August 28, 2005.

⁵ Section 392.245.5 also establishes a 60-day track under which competitive classification for business or residential services may be sought based on competition from entities providing local voice service, including such service using the ILEC’s facilities or a third parties’ facilities. The Commission has established a separate proceeding, Case No. TO-2006-0102, to address the portion of SBC Missouri’s Petition regarding the 60-day track. Accordingly, the 60-day track will not be addressed in this Brief.

Under the 30-day track, the Commission must classify the ILEC's services (business, residential, or both), as competitive in any exchange in which at least two other carriers are also providing such basic local telecommunications services within an exchange:

Each telecommunications service offered to business customers, other than exchange access service, of an incumbent local exchange telecommunications company regulated under this section shall be classified as competitive in any exchange in which at least two non-affiliated entities in addition to the incumbent local exchange company are providing basic local telecommunications service to business customers within the exchange. Each telecommunications service offered to residential customers, other than exchange access service, of an incumbent local exchange telecommunications company regulated under this section shall be classified as competitive in an exchange in which at least two non-affiliated entities in addition to the incumbent local exchange company are providing basic local telecommunications service to residential customers within the exchange. . .⁶

For the purpose of the 30-day investigation, the statute provides that one commercial mobile radio service ("CMRS" or "wireless") provider is to be considered an entity providing "basic local telecommunications services"⁷ in an exchange. It also requires the Commission to consider as a "basic local telecommunications service provider" any entity providing "local voice"⁸ service "in whole or in part" over facilities in which it or one of its affiliates has an ownership interest.⁹

The statute defines "telecommunications facilities" very broadly to include, among other items, "lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate, easements, apparatus, property and

⁶ Section 392.245.5 RSMo (2005), (emphasis added).

⁷ Section 392.245.5(1) RSMo (2005) (however, only one such non-affiliated provider will be counted as providing basic local telecommunications service within an exchange).

⁸ Section 392.245.5(3) RSMo (2005) defines "local voice service" as meaning "[r]egardless of the technology used . . . two-way voice service capable of receiving calls from a provider of basic local telecommunications services as defined by subdivision (4) of section 386.020, RSMo."

⁹ Section 392.245.5(2) RSMo (2005).

routes used, operated, controlled or owned by any telecommunications company to facilitate the provision of telecommunications service.”¹⁰ Thus, the Legislature has clearly provided that any equipment or property used to provide voice service is a telecommunications facility and that use of any such telecommunications facility qualifies an entity as being a provider of service in the exchange.

Although not relevant to the determination the Commission must make in this proceeding, OPC in its objections asserts that the Commission retains authority over competitive services under Section 392.200.1. OPC, however, is mistaken. SB 237 eliminated the ability of the Commission to regulate on that basis. Under Section 392.500 RSMo (2005), the application of Section 392.200 is limited to subsections 2-5 of that section. Staff also expresses the view that there should be a minimum threshold for qualifying as a 30-day trigger company. Specifically, it states that lines served on a full facility basis or lines served by a CLEC that uses its own switch and purchases unbundled network elements (“UNE-L”) is the minimum threshold to meet the 30-day statutory criteria. Staff’s position is also inconsistent with the statute.¹¹ Section 392.245.5(2) defines “telecommunications facilities” in broad terms and is not limited to companies using only their own facilities or UNE-L. The statutory criteria includes, for example, companies which use their own loops and another carrier’s switching functions. In the present case, there may not be any exchanges where Staff’s “minimum threshold concept” creates a dispute that would require the Commission to address Staff’s interpretation. But to the extent an issue arises, Staff’s position is contrary to the statute and cannot be accepted.

¹⁰ Section 386.020(52) RSMo (2005).

¹¹ Van Eschen Direct, pp. 7-8.

The new requirements prescribed by SB 237 have dramatically changed the Commission's role in determining the competitive classification for a price cap regulated ILEC. By removing the provisions from Section 392.245 that previously required the Commission to "investigate the state of competition" and to "determine whether effective competition exists in the exchange,"¹² and replacing them with strict numerical triggers, the Legislature has made clear that where customers have a choice, competitive classification must be granted.

II. THE STATUTORY STANDARDS FOR COMPETITIVE CLASSIFICATION HAVE BEEN MET

SBC Missouri has sought a competitive classification under the 30-day track for business services in 51 of its 160 exchanges. And it has sought a competitive classification for residential services in 28 of its exchanges.¹³ In addition, Staff has reviewed data unavailable to SBC Missouri and identified another 15 exchanges for business services and one additional exchange for residential services in which the statutory 30-day criteria is satisfied.¹⁴ Evidence provided both by SBC Missouri and Staff support the Commission's grant of competitive classification for the business or residential services (or in some cases both) in these exchanges (66 exchanges for business services and 29 exchanges for residential services at the time of this briefing). Either prior to or at the hearing, additional evidence may be presented that will increase this total.

A. SBC Missouri's Evidence. SBC Missouri supported its request for competitive classification under the 30-day process with the following exhibits.¹⁵ These exhibits identify the

¹² Compare Section 392.245.5 RSMo (2000).

¹³ SBC Missouri also requested competitive classification for any additional exchanges where the Commission's investigation revealed the 30-day criteria were met. (SBC Missouri Petition, para. 21).

¹⁴ Van Eschen Direct, pp. 13-14.

¹⁵ These Exhibits were attached to SBC Missouri's Petition for Competitive Classification filed August 30, 2005. They were also incorporated into SBC Missouri witness Craig A. Unruh's testimony filed September 13, 2005.

exchanges for which SBC Missouri seeks reclassification under the 30-day criteria and the two competitors¹⁶ on which SBC Missouri relies to meet the statutory criteria and the source of that information:

Exhibit A-1(HC),¹⁷ which identifies the SBC Missouri exchanges in which at least two non affiliated entities are providing basic local telecommunications service to business customers; the names of two entities providing such service in each exchange; and the method through which SBC Missouri confirmed those carriers' provision of such service in each exchange.

Exhibit A-2(HC), which identifies the SBC Missouri exchanges in which at least two non affiliated entities are providing basic local telecommunications service to residential customers; the names of two entities providing such service in each exchange; and the method through which SBC Missouri confirmed those carriers' provision of such service in each exchange.

Exhibit A-3, which is a map geographically depicting the exchanges identified in Exhibit A-1(HC).

Exhibit A-4, which is a map geographically depicting the exchanges identified in Exhibit A-2(HC).

As SBC Missouri witness Mr. Unruh testified, SBC Missouri identified the carriers listed in Exhibits A-1(HC) and A-2(HC) and determined the exchanges in which each carrier provided service through:

- Contacting the company by phone - SBC Missouri, in cases where it could not find published information confirming a company's provision of business or residence services in a particular exchange, directly contacted the company by telephone and inquired whether it provided business service, residence service, or both in a particular exchange.
- Let'sTalk.com - A publicly available website that lists, for any Zip Code entered, the wireless carriers providing service in that area and various

¹⁶ SBC Missouri excluded Cingular from the 30-day trigger review because the statute requires the trigger company to be a non-affiliated entity. SBC Missouri also excluded the AT&T companies from its review, even though AT&T remains a competitor. SBC Missouri chose to exclude the AT&T companies from its analysis to avoid issues that parties might raise given the pending acquisition of AT&T by SBC Communications. (Unruh Direct, pp. 10-11).

¹⁷ SBC Missouri notes that by its Order issued on September 13, 2005, the Commission has declassified the information identified by SBC Missouri as Highly Confidential. SBC Missouri uses the HC designation here only for identification purposes.

wireless rate plans offered by each carrier. There is at least one provider of wireless service in each exchange served by SBC Missouri, thus satisfying one prong of the competitive classification criteria.

- CLEC Annual Reports filed with MoPSC - The Commission requires every certificated CLEC offering local service in Missouri to file a report each year specifically quantifying the amount of business and residence service it is actually providing in each exchange served. The Commission's report requires CLECs to separately state for residential and business customers the voice grade equivalent lines it provides using the pure resale, UNE-L , UNE-P, and full facility-based methods of provisioning service. While many CLECs file this report with the Commission on a Highly Confidential basis, other CLECs do not request such protection and file the report on a Non-Proprietary basis. To the extent SBC Missouri was able to locate such Non-Proprietary CLEC Annual Reports, SBC Missouri utilized that data to help identify CLECs providing business service, residential service or both in an exchange.
- Migrations from UNE-P to CLEC facilities - When a CLEC migrates from UNE-P (under which a CLEC purchases switching and loop elements from an incumbent LEC) to a CLEC's own facilities, SBC Missouri's internal business records reflect the disconnection of a particular CLEC customer's loop from SBC Missouri's switch. For the purpose of these exhibits, SBC Missouri included UNE-L CLECs that ported UNE-P customer telephone numbers to the UNE-L provider's switch (i.e., CLECs migrating a telephone number and a loop); and CLECs utilizing only Local Number Portability (i.e., CLECs migrating a telephone number without an associated UNE loop or switch port). Using the LERG, SBC Missouri validated that each CLEC had NPA-NXXs for each exchange identified.¹⁸
- E-911 Listings - The appearance of a CLEC's customer in the E-911 database reflects the CLEC's provision of service in an exchange utilizing its own switching.
- Directory Listings for companies providing service using their own facilities - starting with CLECs listed in the LERG as having switching facilities,¹⁹ SBC Missouri cross-referenced those CLECs in the directory listing database to confirm that the NPA-NXXs assigned to them for SBC Missouri exchanges (or ported by them from another carrier) were actually being used by them to serve customers.²⁰

¹⁸ Exhibit A-5 shows CLEC switch and POI locations.

¹⁹ Exhibit A-5 shows CLEC switch and POI locations.

²⁰ Unruh Testimony, pp. 8-10.

SBC Missouri’s evidence satisfies the 30-day criteria in the statute because it shows for each exchange listed in Exhibit A-1(HC) for business services and for each exchange listed in Exhibit A-2(HC) for residential services that:

- There is at least one non-affiliated CLEC providing “local voice” service in whole or in part over facilities in which it or one of its affiliates has an ownership interest so as to constitute the provision of basic local telecommunications within the meaning of Section 392.245.5(3).
- There is at least one non-affiliated wireless carrier providing basic local telecommunications service within the meaning of Section 392.245.5(1).

On the basis of this showing alone, SBC Missouri is entitled to a grant of competitive classification for the requested exchanges. In the event the Commission determines that the statutory criteria is not met for any of the requested exchanges, SBC Missouri has requested that they be included in the statutory 60-day review proceeding for competitive classification.²¹

B. Staff’s Evidence. For most exchanges identified by SBC Missouri, Staff’s evidence provides additional verification that the statutory criteria has been met for granting competitive classification for business or residential service (or both) in the requested exchanges. Staff’s verification efforts primarily focused on a review of confidential CLEC annual reports filed with the Commission and telephone calls to some CLECs to discuss their reports. On that basis, Staff recommends competitive classification be granted for SBC Missouri’s business services in 35 exchanges, and for SBC Missouri’s residential services in 15 exchanges.²²

On a substantive basis, Staff disagrees with SBC Missouri only in one instance: business services in the Fulton exchange. While SBC Missouri’s Exhibit A-1(HC) shows Socket as providing local voice service in the Fulton exchange, Staff in its testimony disagrees based on an

²¹ See, SBC Missouri Petition, p. 12.

²² Van Eschen Direct, pp. 2, 12-13, Sch. 1.

oral contact it made with Socket, in which Socket represented that it only provided service to an Internet service provider in that exchange. Based on this representation, Staff recommends the Fulton exchange not receive competitive status for business services.²³ Socket's representation to Staff, however, directly conflicts with information currently posted on Socket's own website. In a posted press release, Socket states that it is currently providing voice, data and other telecommunications services to the Arthur Center, a community health center in Fulton and Mexico Missouri.²⁴

Fulton, MO-Socket Telecom, a new Missouri telephone service provider under the parent company Socket Holdings Corp., recently announced it is offering local and long distance telephone service to Fulton businesses. Combined with the partner company, Socket Internet, this announcement means business owners can choose to get both telephone service and Internet service from one local company, and marks a significant change to the Fulton, MO business climate.

Arthur Center, a community health center in Fulton and Mexico, went to Socket when their ISDN Internet and network connection had frequent drop offs and speed disruptions. "Socket provided us with customized voice, data and Internet combined in one T-1 connection, which has dramatically increased our network speed and reliability," stated Terry Mackey, President.²⁵

Staff has advised SBC Missouri that, in light of this information, it intends to recommend competitive classification for business services in Fulton. But whether or not Staff changes its Recommendation, given Socket's provisions of voice business service to the Arthur Center, there is no basis for withholding competitive classification for SBC Missouri's business services in the Fulton exchange.

²³ Van Eschen Direct, p. 17.

²⁴ A copy of Socket's website posting is attached to SBC Missouri Craig Unruh's Testimony as Unruh Sch. 2.

²⁵ Socket Telephone Services Expands to Fulton, MO, Socket Press Release, <http://www.socket.com/detail.php?id=5&detail=54>. A copy of this press release is appended to SBC Missouri witness Craig Unruh's Direct Testimony as Sch. 2.

With respect to certain exchanges for which Staff has withheld a positive recommendation for competitive classification, Staff has done so only because its investigation is incomplete. As indicated above, Staff cross-referenced SBC Missouri's evidence with confidential CLEC annual reports filed with the Commission and issued a positive recommendation when the annual report data confirmed SBC Missouri's representations. But when the annual reports did not reflect the provision of business or residential service in an exchange identified by SBC Missouri (e.g., because the annual reports only reflected CLEC lines in service as of December 31, 2004, and did not show services installed in 2005), Mr. Van Eschen explained Staff attempted to contact the CLECs to obtain updated information. Specifically, Staff inquired whether the particular CLECs were providing local voice service in those exchanges and if so, whether such service was being provided on a UNE-L or full facility basis. Mr. Van Eschen explained that in many cases, Staff is still waiting for some CLECs to answer its inquiries concerning whether local voice service is being provided in the exchange. Staff is waiting for responses from the following companies:

<u>Company</u>	<u>Exchanges</u>	<u>Type of Service</u>
SEMO	Advance	Business and Residence
	Bell City	Business and Residence
	Delta	Business and Residence
	Pocahontas-New Wells	Business and Residence
	Wyatt	Business and Residence
Big River	Bonne Terre	Residence
	Farmington	Business and Residence
	Flat River	Business
	Fredericktown	Business and Residence
	Marble Hill	Business
	Perryville	Residence
	Scott City	Business
	Sikeston	Business and Residence
	St. Genevieve	Business and Residence
	Washington	Business and Residence

Birch	St. Joseph	Business
NuVox	Excelsior Springs	Business
Sprint	San Antonio St. Joseph	Residence Residence

But Staff’s inability to make contact with these CLECs provides no basis for denying competitive classification for the business or residential services in the requested exchanges. Staff has presented absolutely no information showing that SBC Missouri’s evidence concerning these exchanges is inaccurate. Moreover, Staff in its approach has completely ignored the affirmative evidence SBC Missouri presented other than its identification of the exchange and the CLEC providing service in that exchange. Staff did not seek any additional information from SBC Missouri to verify SBC Missouri’s representations, nor did Staff perform any evaluation of the data SBC Missouri presented. SBC Missouri’s Petition also directed the Commission to information contained in other Commission records that would be helpful in fulfilling its investigatory obligation under the statute. There is no indication, however, that Staff included any of this additional material in its investigation.

Instead, Staff has focused primarily on annual report data that it acknowledges is often incomplete. For example, Staff indicated that:

- CLECs may have identified an unknown exchange or alternatively simply identified the total number of lines served without identifying lines served on an exchange-specific basis;
- Some CLECs reported serving “0” lines in their annual report, but showed a positive revenue in the company’s annual statement of revenue;
- Timing of annual reports causes access lines to be somewhat dated because it captures access lines as of December 31, 2004. A company’s annual report will not capture access lines implemented during 2005.²⁶

²⁶ See, Van Eschen Direct, pp. 8-10.

Given the obvious incentive SBC Missouri's competitors would have to cause delay in appropriate grants of competitive classification under SB 237, it is not surprising that Staff has received less than full cooperation in its investigation from some CLECs in the provision of data that would confirm SBC Missouri's entitlement to competitive classification. But the lack of cooperation from certain CLECs provides no basis to withhold a competitive classification designation when SBC Missouri has presented unrebutted evidence demonstrating that at least two competitors are providing service in the exchange in a manner which satisfies the statutory standard.

Staff also raises a concern that SEMO has not been granted any type of certificate of service authority to provide basic local telecommunications service and implies that it should not be counted as a 30-day trigger company.²⁷ There is no basis for excluding SEMO from consideration in the 30-day proceeding. There is no requirement in the statute that the competitor be certified by the Commission. Section 392.245.5(2) RSMo (2005) makes clear that any "entity" providing local voice service in whole or in part over its, or its affiliates facilities is to be considered a basic local service provider, "regardless of whether such entity is subject to regulation by the Commission."

C. Additional Exchanges Identified by Staff. In addition to providing further verification of SBC Missouri's data that the requisite number of carriers were providing basic local telecommunications services within an exchange, Staff also determined that there are additional exchanges in which SBC Missouri's business or residential services qualify for

²⁷ Van Eschen Direct, p. 15.

competitive classification under the 30-day section of the statute. Staff was able to make this showing because it had access to data, such as confidential CLEC annual reports, which were unavailable to SBC Missouri.

Staff testified that based on its review of Commission annual report data, the following SBC Missouri exchanges also qualify for competitive classification under the 30-day criteria:

<u>Exchange</u>	<u>Carrier</u>	<u>Type of Service</u>
Joplin	McLeodUSA	Residence
Archie	MCImetro	Business
Ash Grove	NuVox	Business
Billings	NuVox	Business
Boonville	MCImetro	Business
Carthage	MCImetro	Business
Cedar Hill	MCImetro	Business
Chaffee	MCImetro	Business
Farley	McLeodUSA, NuVox	Business
Linn	MCImetro	Business
Marshall	MCImetro	Business
Mexico	MCImetro, McLeodUSA	Business
Moberly	MCImetro	Business
Montgomery City	MCImetro	Business
St. Clair	MCImetro	Business
Union	MCImetro	Business ²⁸

Staff’s use of such data for this case and the Commission’s grant of competitive classification based on that data are entirely appropriate because SB 237 requires the Commission to maintain and consider its own records concerning the methods carriers whom it regulates use to provide local voice services in an exchange; and it requires the Commission to consider such records in reviewing an ILEC’s request for competitive status:

. . . The commission shall maintain records of regulated providers of local voice service, including those regulated providers who provide local voice service over their own facilities, or through the use of facilities of another provider of local voice service. In reviewing an incumbent local exchange telephone company’s

²⁸ See, Van Eschen Direct, pp. 13-14, Sch. 1.

request for competitive status in an exchange, the commission shall consider their own records concerning ownership of facilities. . . .²⁹

Staff, however, is unwilling to give a positive recommendation on six of these exchanges because SBC Missouri's Petition did not include them in its "request" for competitive classification.³⁰ But the statute does not allow competitive classification to be withheld on this basis. SBC 237 requires the Commission to go beyond the data carriers provide it in the ordinary course of business and pro-actively seek other necessary and appropriate data from carriers it regulates as part of its investigation:

. . . In reviewing an incumbent local exchange telephone company's request for competitive status in an exchange, the commission . . . shall make all inquiries as are necessary and appropriate from regulated providers of local voice service to determine the extent and presence of regulated local voice providers in an exchange.³¹

Moreover, SBC Missouri did request the Commission to grant competitive classification for any exchange where the Commission's own investigation identified that a competitive classification should be granted³² (and, contrary to Staff's assertion, the Moberly, St. Clair and Union exchanges were identified in SBC Missouri's 60-day request). From a practical standpoint, the Commission should grant competitive classification for these exchanges because the Commission now knows that they meet the 30-day criteria. Requiring a new case to be filed would only waste the Commission's and other parties' resources.

²⁹ Section 392.245.5(6) RSMo (2005).

³⁰ The six exchanges are Chaffee, Linn, Moberly, Montgomery City, St. Clair, and Union (all for business service). But Staff was willing and did give a positive recommendation for the other exchanges it identified because SBC Missouri included them in its 60-day request. (The Moberly, St. Clair and Union exchanges were also included in SBC Missouri's 60-day request.) Staff, however, improperly asserts that competitive classification should only be granted for these exchanges during the 60-day case, even though it readily acknowledges that they meet the 30-day criteria.

³¹ Section 392.245.5(6) RSMo (2005).

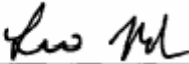
³² See, SBC Missouri's Petition, para. 21.

CONCLUSION

Based on this evidentiary showing, the Commission, in furtherance of the competitive policies articulated by the Legislature, is bound by the standards set out in SB 237 to grant the requested competitive classifications for SBC Missouri’s business and residential services in the exchanges listed in Exhibits A-1(HC) and A-2(HC) within the 30-day statutory timeframe. In addition, Staff has provided evidence (which was unavailable to SBC Missouri) demonstrating that additional exchanges in which SBC Missouri’s business or residential services qualify for competitive classification under this section of the statute. Consistent with Section 392.245.5(6) RSMo (2005), the Commission must also classify the services in those exchanges as competitive.

Respectfully submitted,

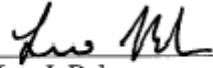
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on September 14, 2005.



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