

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

In the Matter of the Determination)	
Of Prices, Terms and Conditions of)	
Certain Unbundled Network Elements)	<u>Case No. TO-2005-0037</u>
Consideration Upon Remand from)	
The United States District Court)	

PETITION OF THE PAGER COMPANY FOR LEAVE TO FILE A BRIEF AS

AMICUS CURIAE

COMES NOW The Pager Company d/b/a/ The Pager & Phone Company ("PagerCo"), by and through counsel, and pursuant to 4 CSR 240-2.075 (6), files this Petition requesting leave of the Commission to file a brief in the above-styled case as an amicus curiae. In support of its Petition, PagerCo states as follows:

1. The Pager Company d/b/a The Pager & Phone Company ("PagerCo") is a Missouri corporation providing competitive basic local and interexchange telecommunications services in the State of Missouri. Its principal offices are located at 2800 E 18th St., Kansas City, Missouri, 64127-2610. It can be reached by Telephone at 816-483-3301, by Fax at 816-483-9353 or by Email at DALE@MAIL.THEPAGERCO.COM. Copies of Orders and Notices should be served on local counsel, whose contact information appears in the signature block at the end of this pleading.
2. PagerCo is an authorized provider of basic local exchange service in the exchanges served by Southwestern Bell under authority granted and tariffs approved by the Commission. PagerCo is also

an authorized provider of non-switched local exchange and intrastate interexchange telecommunications services in Missouri under authority granted by this Commission. PagerCo is further an authorized provider of interstate telecommunications services in Missouri under jurisdiction of the Federal Communications Commission.

3. PagerCo has adopted the M2A. The Missouri PSC subsequently approved various amendments to this agreement between PagerCo and SBC. The Commission is requested to take official notice of the agreement and amendments, which are contained in the Commission's files and hereby incorporated by reference into this Petition.
4. PagerCo has an interest in this matter because it leases various Unbundled Network Elements (UNEs) from SBC pursuant to the agreement, and pays rates to SBC for such services based upon the Commission's decision in Case No. TO-2001-438. The Commission's decision in that case was appealed to the United States District Court for the Eastern District of Missouri, which remanded the matter to this Commission with instructions. That remand is the subject of the instant proceeding.
5. The Commission's decision in this case, on remand, could have a significant, adverse impact on PagerCo, depending on the Commission's decision as to the appropriate capital structure upon

which to base the rates and the question of whether new rates arising out of the remand will apply prospectively only, or retroactively.

6. Granting PagerCo leave to file its Amicus Curiae Brief herein is desirable because it will give the Commission additional perspective and information from an active Missouri CLEC which does business with SBC under the M2A, concerning the issues presented in this case.

WHEREFORE, The Pager Company d/b/a/ The Pager & Phone Company respectfully requests leave of the Commission to file a brief in the above-styled matter as an amicus curiae.

Respectfully submitted,

/s/ William D. Steinmeier

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Certificate of Service

I hereby certify that copies of the foregoing have been served electronically on all parties of record to this case this 29th day of November 2004.

/s/ William D. Steinmeier
William D. Steinmeier