

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
April 30, 2001**

**CASE NO: TO-2001-467**

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

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

In the Matter of the Investigation of the     )  
State of Competition in the Exchanges of     ) Case No. TO-2001-467  
Southwestern Bell Telephone Company.     )

**ORDER ADOPTING PROCEDURAL SCHEDULE, GRANTING**  
**INTERVENTIONS, AND GRANTING ENTRIES OF APPEARANCE**

On April 2, 2001, the Staff of the Missouri Public Service Commission filed a proposed procedural schedule as directed by the Commission. On April 12, 2001, Southwestern Bell Telephone Company responded favorably to the procedural schedule. No other responses were received. The Commission has reviewed the proposed schedule and finds the dates appropriate for this case. Therefore, The Commission will set the procedural schedule as ordered below.

GTE Midwest Incorporated, d/b/a Verizon Midwest (Verizon), filed an application to intervene on March 19, 2001. Verizon states that it has an interest in the Commission's decision because it is an incumbent basic local exchange carrier that provides service in a franchised territory in which an alternative local exchange carrier is providing service. Verizon argues that no other party will adequately protect its interests in this matter.

The Missouri Independent Telephone Company Group (MITG) of Local Exchange Companies<sup>1</sup> filed an application to intervene on March 28, 2001.

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<sup>1</sup> The MITG consists of Alma, Chariton Valley, Choctaw, Mid-Missouri, Modern, MoKan Dial, and Northeast Missouri Rural Telephone Companies.

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MITG states that its members have an interest in this proceeding because one or more of the members may elect to become price cap companies under Section 392.245, RSMo. Therefore, MITG states that it is interested in the determination of when effective competition exists. MITG states its interests are different from those of the general public.

On March 23, 2001, Fidelity Communication Services III, Inc. (Fidelity), filed an application to intervene. Fidelity states that it has an interest in this proceeding because it will compete with SWBT as both a facilities-based and a resale provider. Fidelity states that it has an interest that is different from that of the general public and that no other party will adequately represent its interest. Fidelity believes that its intervention is in the public interest because its expertise and experience as a telecommunications provider will aid the Commission in resolving the issues.

IP Communications Corporation, d/b/a IP Communications Corporation of the Southwest (IP), filed a motion to intervene on April 2, 2001. IP stated that it is concerned that the issues being decided in this case may adversely affect IP and its customers, and therefore, it should be allowed to intervene. IP states that its interest is different from that of the general public and that its intervention is in the public interest because of its "different perspective." IP states that no other party will adequately protect its interests.

The Commission received no objections or responses to any of the requests to intervene. The Commission has reviewed the applications and motion to intervene and finds that they are in substantial compliance with Commission rules regarding intervention and that Verizon, MITG, Fidelity,

and IP each have an interest in this matter which is different from that of the general public. The Commission concludes that the requests for intervention should be granted.

The Commission received requests for leave to appear from nonresident attorneys: Michael C. Sloan and Paul B. Hudson on behalf of Allegiance Telecom of Missouri, Inc.; Bradley R. Kruse on behalf of McLeodUSA Telecommunications Services, Inc.; Stephen D. Minnis on behalf of Sprint Telecommunications Company, L.P.; and Stephen F. Morris on behalf of Brooks Fiber Communications of Missouri, Inc., MCImetro Access Transmission Services, LLC, and MCI WorldCom Communications, Inc. Mary Ann (Garr) Young has entered her appearance as local counsel simultaneously with Mr. Sloan, Mr. Hudson, and Mr. Kruse's requests. Paul H. Gardner entered his appearance as local counsel simultaneously with Mr. Minnis' request. Carl J. Lumley entered his appearance as local counsel simultaneously with Mr. Morris' request. In addition, the requests are in substantial compliance with Commission rule 4 CSR 240-2.040(C). Therefore, the Commission will grant leave for Mr. Sloan, Mr. Hudson, Mr. Kruse, Mr. Minnis, and Mr. Morris to appear.

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is adopted for this case:

Direct testimony by SWBT	-	June 28, 2001 4:00 p.m.
Rebuttal testimony	-	August 9, 2001 4:00 p.m.
Prehearing conference	-	August 24, 2001 10:00 a.m.

Surrebuttal testimony	-	September 11, 2001 4:00 p.m.
Proposed list of issues and order of witnesses	-	September 14, 2001 4:00 p.m.
Statements of position	-	September 18, 2001 4:00 p.m.
Hearing	-	September 24-28, 2001 8:30 a.m.

The prehearing conference and the evidentiary hearing will be held in the Commission's offices in the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

2. That the application to intervene of GTE Midwest Incorporated, d/b/a Verizon Midwest, is granted.

3. That the application to intervene of The Missouri Independent Telephone Company Group is granted.

4. That the application to intervene of Fidelity Communication Services III, Inc., is granted.

5. That the motion to intervene of IP Communications Corporation, d/b/a IP Communications of the Southwest, is granted.

6. That the petition for leave to appear of Michael C. Sloan on behalf of Allegiance Telecom of Missouri, Inc., is granted.

7. That the petition for leave to appear of Paul B. Hudson on behalf of Allegiance Telecom of Missouri, Inc., is granted.

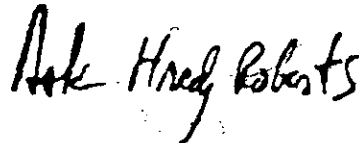
8. That the petition for leave to appear of Bradley R. Kruse on behalf of McLeodUSA Telecommunications Services, Inc., is granted.

9. That the petition for leave to appear of Stephen D. Minnis on behalf of Sprint Communications Company, L.P., is granted.

10. That the request for leave to appear of Stephen F. Morris on behalf of Brooks Fiber Communications of Missouri, Inc., MCI metro Access Transmission Services, LLC, and MCI WorldCom Communications, Inc., is granted.

11. That this order shall become effective on May 10, 2001.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Nancy Dippell, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 30th day of April, 2001.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 30<sup>th</sup> day of April 2001.

*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

