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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application for Approval)
of IntraLATA Toll Dialing Parity Plan) Case No. TO-99-491

ORDER DIRECTING STAFF RESPONSE

On April 22, 1999, e. spire Communications, Inc. (e. spire) filed an application with the Commission requesting approval of its plan to implement intraLATA toll dialing parity. On June 10, 1999, the Commission issued a Report and Order that approved e. spire's application and, *inter alia*, ordered e. spire to provide its customers a notice concerning ILDP. e spire did not request rehearing of that Report and Order, and it became final on June 21, 1999. On July 14, 1999, e. spire filed a Request for Variance from Order in which it states that it already has notified all its customers and that the notice the Commission ordered it to provide would be duplicative and could cause customer confusion.

The Commission will benefit from Staff's examination of the issues raised in e. spire's request for variance. Staff should address the issue of whether e. spire's filing of a variance request rather than a request for rehearing constitutes an impermissible collateral attack on the Report and Order. Staff should also investigate e. spire's allegation that it has been offering, and informing its customers of the

availability of, intraLATA toll dialing parity since September 9, 1997.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission shall respond to e. spire's request for variance no later than August 4, 1999.
2. That this order shall become effective on July 30, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 20th day of July, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION