

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

COMES NOW NuVox Communications of Missouri, Inc. (NuVox) and for its Reply to Staff's Response to Order Directing Filing, pursuant to Commission Order and 4 CSR 240-2.080(15), states to the Commission:

1. NuVox supports Staff's recommendation that the Commission set a conference for the parties to develop a proposed case schedule regarding this proceeding on remand so that the Commission will be able to move forward and decide the remanded issues in an orderly manner.

2. Regarding Staff's recommendation that the Commission proceed based on the existing record in this case, NuVox submits that the parties should address that subject at the proposed conference. In the Report and Order issued December 27, 2001 the Commission correctly concluded that SBC bore the burden of proof in this matter. The appellate courts did not take issue with that conclusion. As the advocate of the position that additional services should be found subject to effective competition, with the accompanying burden of proof, SBC must make a decision as to whether it wants the opportunity to offer additional evidence beyond the record developed in 2001. Pending further discussions between the parties and development of a case schedule, NuVox reserves the right to argue that there is insufficient evidence in the 2001 record to find on remand that any additional services are subject to effective competition.

WHEREFORE, NuVox Communications of Missouri, Inc. suggests that the Commission proceed to set a scheduling conference.

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

Carl J. Lumley, #32869
Leland B. Curtis, #20550
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

Attorneys for NuVox Communications of Missouri, Inc.

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was mailed or emailed this 2nd day of May, 2005, to the persons listed on the attached service list.

/s/ Carl J. Lumley

Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Paul G. Lane, Anthony K. Conroy
Southwestern Bell Telephone Co.
One Bell Center, Room 3520
St. Louis, MO 63101

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102