

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

August 14, 2001

CASE NO: TO-2001-467

Office of the Public Counsel

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Jefferson City, MO 65102

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Southwestern Bell Telephone Company
One Bell Center Room 3520
St Louis, MO 63101

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AT&T Communications of the Southwest,
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919 Congress, Suite 900
Austin, TX 78701

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Jefferson City, MO 65110-4595

Lisa Creighton Hendricks

Sprint Communications Company, L.P.
5454 West 110th Street
Overland Park, KS 66211

Lisa Chase

Andereck, Evans, Milne, Peace, Baumhoer
700 East Capitol
Jefferson City, MO 65102-1438

Carol Keith

NuVox Communications of Missouri, Inc.
16090 Swingley Ridge Road, Suite 500
Chesterfield, MO 63017

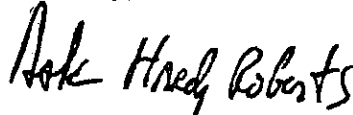
Sheldon K. Stock
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, MO 63102-1774

Stephen F. Morris
MCI WorldCom Communications, Inc.
701 Brazos, Suite 600
Austin, TX 78701

Bradley R. Kruse
McLeodUSA Telecommunications Services,
Inc.
6400 C Street, SW, PO Box 3177
Cedar Rapids, IA 52406-3177

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified copies:

To companies providing basic local telecommunications services (attached)

1-800-Reconex, Inc.
(f/k/a Sterling International Funding, Inc.,
d/b/a Reconex)
P.O. Box 40
2500 Industrial Avenue
Hubbard, OR 97032

AccuTel of Texas, Inc.
7900 John W. Carpenter Freeway
Dallas, TX 75247

Allegiance Telecom of Missouri
1950 Stemmons Freeway, Suite 3026
Dallas, TX 75207-3118

American Communication Services of Kansas
City, Inc.
131 National Business Parkway,
Suite 100
Annapolis Junction, MD 20701

BarTel Communications, Inc.
333 Leffingwell, Suite 101
St. Louis, MO 63122

Brooks Fiber Communications of Missouri, Inc.
701 Brazos, Suite 600
Austin, TX 78701

Buy-Tel Communications, Inc.
6409 Colleyville Boulevard
Colleyville, TX 76034

2nd Century Communications, Inc.
Suite 50
7702 Woodland Center Boulevard
Tampa, FL 33614

Adelphia Business Solutions Operations, Inc.
121 Champion Way
Canonsburg, PA 15317

ALLTEL Communications, Inc.
One ALLIED Drive
P.O. Box 2177
Little Rock, AR 72203

AT&T Communications of the Southwest, Inc.
101 West McCarty, Suite 216
Jefferson City, MO 65101

Birch Telecom of Missouri, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108

BTI
(Business Telecom, Inc.)
4300 Six Forks Road, Suite 500
Raleigh, North Carolina 27609

Camarato Distributing, Inc.
P.O. Box 638
Herrin, Illinois 62948

Central Missouri Telecommunications, Inc.
P.O. Box 596
Osage Beach, Missouri 65065

Ciera Network Systems, Inc.
2630 Fountainview, Suite 300
Houston, Texas 77057

Computer Business Sciences, Inc.
80-02 Kew Gardens Road, Suite 5000
Kew Gardens, NY 11415

The Cube
(Tin Can Communications Company, L.L.C.)
1063 Wirt Road, Suite 202
Houston, TX 77005

Delta Phones, Inc.
P.O. Box 784
245 Illinois St.
Delhi, LA 71232

DMJ Communications, Inc.
2525 North Grandview, Suite 900
Odessa, TX 79761

dPi-Teleconnect, L.L.C.
2997 LBJ Freeway, Suite 225
Dallas, TX 75234

EZ Talk Communications, L.L.C.
4727 South Main
Stafford, TX 74777

Gabriel Communications of Missouri, Inc.
16090 Swingley Ridge Road
Chesterfield, MO 63017

Global Crossing Local Services, Inc.
(Formerly Frontier Local Services, Inc.)
1221 Nicollet Mall, Suite 300
Minneapolis, MN 55403

Global Crossing Telemanagement, Inc.
(Formerly Frontier Telemanagement, Inc.)
1221 Nicollet Mall, Suite 300
Minneapolis, MN 55403

HJN Telecom, Inc.
3235 Satellite Blvd. Building 400, Suite 300
Duluth, GA 30096

Intermedia Communications, Inc.
1 Intermedia Way
M.C. FLT-HQ3
Tampa, FL 33647-1752

Ionex Communications, Inc.
5710 LBJ Freeway, Suite 215
Dallas, TX 75240

KMC Telecom III, Inc.
3075 Breckinridge Blvd., Suite 415
Duluth, GA 30096

LDD, Inc.
24 South Minnesota
Cape Girardeau, Missouri 63702

Level 3 Communications, LLC
1450 Infinite Drive
Louisville, CO 80027

Logix Communications Corporation
(Formerly Dobson Wireless, Inc.)
14101 Wireless Way
Oklahoma City, OK 73134

Maxcom, Inc.
10647 Widmer Road
Lenexa, KS 66215

Max-Tel Communications, Inc.
P.O. Box 280
102 W. Franklin
Alvord, TX 76225

MCImetro Access Transmission Services, LLC
701 Brazos, Suite 600
Austin, TX 78701

Stephen F. Morris
MCI Worldcom Communications, Inc.
(Worldcom, Inc.)
701 Brazos, Suite 600
Austin, TX 78701

Bradley R. Kruse
McLeodUSA Telecommunications Services, Inc.
P. O. Box 3177
Cedar Rapids, IA 52406-3177

Missouri Comm South, Inc.
(Comm South Companies, Inc.)
2909 Buckner Blvd., Ste 800
Dallas, TX 75228

Missouri Telecom, Inc.
P.O. Box 419
515 Cleveland, Suite C
Monett, MO 65708

Mpower Communications Corp.
ATTN: Laurie Adamski
175 Sully's Trail, Suite 300
Pittsford, NY 14534

Navigator Telecommunications, L.L.C.
P.O. Box 13860
8525 Riverwood Park Drive
North Little Rock, AR 72113-0860

Net-Tel Communications Corporation
(Net-Tel Corporation)
1023 31st Street, NW
Washington, D.C. 20007

NOW Communications, Inc.
713 Country Place Drive
Jackson, MS 39208

Omniplex Communications Group, LLC
(Formerly USA eXchange, LLC)
17 Research Park Drive
St. Charles, MO 63304

The Pager Company
3030 East Truman Road
Kansas City, MO 64127

Payroll Advance
808 South Baker
Mountain Home, AR 72643

Phones for All
(Teléfonos Para Todos)
Preferred Carrier Services, Inc.
14681 Midway Road, Suite 105
Addison, Texas 75001

Mpower Communications Central Corp.
175 Sully's Trail, Ste. 300
Pittsford, NY 14534

QCC, Inc.
(Formerly Quest Communications Corporation)
8829 Bond Street
Overland Park, KS 66214

Quick-Tel Communications, Inc.
P.O. Box 1327
Bowie, TX 76230

Quintelco, Inc.
1 Blue Hill Plaza
Pearl River, NY 10965

Qwest Communications Corporation
(USLD Communications, Inc.)
4250 N. Fairfax Drive, 12W002
Arlington, VA 22203

Ren-Tel Communications, Inc.
7337 S. Mitchell Ct.
Villa Rica, GA 30180

Simply Local Services, Inc.
2225 Apollo Dr.
Fenton, MO 63026

Smoke Signal Communications
(Choctaw Communications, L.C.)
8400 South Gessner
Houston, Texas 77074

Snappy Phone
P.O. Box 29620
6901 West 70th Street
Shreveport, LA 71129

SouthWest TeleConnect
7000 Cameron Road, Suite 200
Austin, TX 78752-2828

Suretel, Inc.
5 North McCormick
Oklahoma City, OK 73127

TCG St. Louis
Two Teleport Drive, Suite 300
Staten Island, NY 10311

Teligent, Inc.
8065 Leesburg Pike, Suite 400
Vienna, VA 22182

TranStar Communications
P.O. Box 2999
Harlingen, TX 78551-2999

U.S. Telco, Inc.
P.O. Box 606
Wilsonville, OR 97070

WorkNet Communications Inc.
7777 Bonhomme Avenue, Suite 2000
St. Louis, MO 63105

Lisa Creighton Hendricks
Sprint Communications Company, L.P.
Mail Stop KSOPKJ0502
5454 West 110th Street
Overland Park, KS 66211

TCG Kansas City, Inc.
Teleport Communications Group
Two Teleport Drive
Staten Island, NY 10311

Tel Com Plus
(United States Telecommunications, Inc.)
5251 110th Avenue, North, Suite 118
Clearwater, FL 33760-4837

Tel-Link, L.L.C.
8601 Dunwoody Place, Suite 406
Atlanta, GA 30350

Universal Telephone
2405 E. Pawnee, Suite 10
Wichita, KS 67211-5455

Winstar Wireless, Inc.
1615 L Street, NW, Suite 1260
Washington DC 20036

Nancy Krabill
XO Missouri, Inc.
(f/k/a Nextlink Missouri, Inc.)
1300 W. Mockingbird, Suite 200
Dallas, TX 75247

At a session of the Public Service Commission held at its office in Jefferson City on the 14th day of August, 2001.

**ORDER GRANTING MOTIONS TO COMPEL, GRANTING WAIVERS,
AND DENYING MOTION TO EXTEND THE PROCEDURAL SCHEDULE**

Motions to Compel

On August 7, 2001, Staff filed a second motion to compel answers to data requests. In its motion Staff stated that on June 25, 2001, it served Data Requests

Nos. 2506 through 2514 on the 70 ALECs. Staff stated that "[o]nly 17 of the ALECs . . . satisfactorily responded to these data requests."

Staff stated that only XO Missouri, Inc., objected to DR 2501. Following discussions with Staff, XO Missouri, Inc. answered the data request. MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc., and MCImetro Access Transmission Services, LLC (collectively referred to as "WorldCom") and TCG St. Louis and TCG Kansas City (collectively referred to as "TCG") filed responses to Staff's motion to compel.

Staff received the joint objections of XO Missouri, Inc., NuVox Communications of Missouri, Inc., Brooks Fiber Communications of Missouri, Inc., MCI WorldCom Communications, Inc., and MCI Metro Access Transmission Services, LLC, to DR 2506, DR 2510, DR 2511, DR 2512, and DR 2513. Staff stated that XO Missouri and MCI WorldCom Communications, Inc., have answered all those DRs except DR 2513. Staff also received the joint objections of AT&T Communications of the Southwest, Inc., TCG Kansas City, Inc., and TCG St. Louis, Inc., to DRs 2506, 2510, 2511, 2512, 2513, and 2514.

Staff stated that 47 ALECs listed in Appendix B to its second motion failed to answer the data requests. Staff stated that Allegiance Telecom of Missouri answered all data requests except DR 2512, that Teligent, Inc., had not answered DR 2507, DR 2508, DR 2509, or DR 2510, and that The Pager Company had not answered DR 2507, DR 2508, DR 2509, DR 2510, DR 2512, or DR 2513. Staff argues that Sprint's answer to DR 2506 was not responsive.

a. DR 2501

Staff's DR 2501 states:

Please use the attached form to supply the number of voice grade equivalent access lines in each SWBT Missouri Exchange in which you offer local exchange service. Please provide the quantity of voice grade equivalent access lines for pure resale, UNE Loop, UNE-P, and full facility based lines in each exchange. Provide data for both residential and business end customers. Also, please provide the date on which you first began providing business and residential service in each exchange.

According to Staff, Allegiance Telecom did not completely answer DR 2501. Allegiance "reported all lines as pure resale." Staff requests that the Commission compel a more complete answer from Allegiance Telecom. Staff argues that when an order for these services is submitted to Southwestern Bell Telephone Company (SWBT), the order must be submitted as a resold line or a UNE Loop, and therefore, Allegiance should have the necessary records available to respond to Staff's data request.

WorldCom and TCG filed responses to Staff's motion to compel. Both WorldCom and TCG stated that they did not maintain the records that Staff requested in the normal course of business. Thus, TCG objected that the answers to the data request would be unduly burdensome to produce on an exchange-by-exchange basis. TCG objected to both the production of these records and to the suggestion by Staff's motion that it was failing to cooperate. WorldCom stated in its response that it would need a reasonable amount of time to produce the information. WorldCom stated that it first became aware that Staff considered the response inadequate when it received the Motion to Compel. TCG and WorldCom each stated that they were working to respond to Staff's requests despite the objections. TCG stated that it was working to respond to Staff's request by August 15, 2001.

Staff argued that the information is not burdensome for the ALECs to provide because the central office codes, known as NXXs or prefixes, along with the NPA, are assigned to an exchange. Staff stated that the exchange can be identified using an index found on the Commission's website, companies can determine in which exchange the NXXs are located. Staff suggested that using this information, the companies should be able to easily produce the answer.

The Commission has reviewed the motion to compel and the two responses to the motion. The Commission finds that the information requested by Staff can be put in an exchange-by-exchange format using the additional information found on the Commission's website. In addition, both TCG and WorldCom state that they are attempting to comply with the data request. Therefore, the Commission determines that DR 2501 is not overly burdensome and the ALECs as listed in Appendix B to Staff's Motion to Compel, should be compelled to answer DR 2501. The objections to DR 2501 are overruled.

b. DR 2506

Staff's DR 2506 states:

For each SWBT Exchange in which you offer service to an end-user, please indicate the number of lines that you have had in service on January 1st of each year since you began to offer service. Count residential and nonresidential customers separately.

The two groups of parties submitting objections to DR 2506 each claimed that the data request is unduly burdensome. Both objections stated that the data request is burdensome because the companies do not maintain the information in the normal course of business or do not maintain the information at all. Staff argues that its requests are not overly burdensome. Staff argues that because no ALEC has been in operation for more than five years, there are a maximum of five "counts" a company will have to provide.

The Commission has considered the motions filed by Staff and the objections of the parties. Subsection 392.245.5, RSMo, requires that within five years, the Commission examine the "state of competition in *each exchange*" (emphasis added) where an ALEC has been certificated. The Commission finds that DR 2506 is not overly burdensome because of the relatively short amount of time that ALECs have been certificated in Missouri. The objections to DR 2506 are overruled. The Commission will direct the parties listed on Appendix B to Staff's Second Motion to Compel to answer each of the data requests presented.

c. DR 2510

Staff's DR 2510 states:

Do you consider your services to be substitutable for those services offered by SWBT and if so, are those services functionally equivalent? If yes, please explain.

The XO Missouri group objected to DR 2510 because it is vague and that it calls for a legal conclusion and opinion. Even though they objected, the XO Missouri group stated that they would attempt to answer the data request. Staff stated that XO Missouri, Inc., and MCI WorldCom Communications have answered DR 2510.

The AT&T group objected to DR 2510 because the terms "substitutable" and "functionally equivalent" are vague and because the question is overly broad and unduly burdensome because it requires a comparison of every service that SWBT offers. Staff responded that the terms come directly from the statutory definition of "effective

competition” and can therefore be interpreted in their plain and ordinary sense under the *Fidelity* case.¹

The Commission has considered the motion filed by Staff and the objections to those data requests. The Commission finds that Staff’s DR 2510 is not unduly burdensome, or vague, and it does not require a legal conclusion or legal opinion. The objections to DR 2510 are overruled. The Commission will direct the parties as listed on Appendix B to Staff’s Second Motion to Compel to answer DR 2510.

d. DR 2511

Staff’s DR 2511 states:

For facilities based CLECs (including those providing service under UNE-P), indicate the book value of your physical plant on a state-wide basis on December 31st for the years 1997, 1998, 1999, and 2000.

The two groups of parties submitting objections to DR 2511 each claimed that the data request is unduly burdensome. Both objections stated that the data request is burdensome because the companies do not maintain the information in the normal course of business or do not maintain the information at all. In addition the AT&T group objects to the relevance of the information. Both the XO Missouri group and the AT&T group indicate they are willing to provide the information each does maintain.

Staff argues that its requests are relevant because a competitive market will attract investment capital. Staff indicates that relevant evidence may be identified by the request if it can show certain investment trends.

¹ *Fidelity Security Life Insurance Co. v. Director of Revenue*, 32 S.W. 2d 527 (Mo. banc 2000).

The Commission has considered the motion filed by Staff and the objections of the parties. Subsection 392.245.5, RSMo, requires that within five years, the Commission examine the "state of competition in each exchange" where an ALEC has been certificated. The Commission finds that DR 2511 is not overly burdensome and is relevant to the examination of investment trends with regard to competition in SWBT's exchanges. The objections to DR 2511 are overruled. The Commission will direct the parties as listed on Appendix B to Staff's Second Motion to Compel to answer each of the data requests presented.

e. DR 2512

Staff's DR 2512 states:

For CLECs, by SWBT exchange, indicate the number of lines per calendar year that you have lost to:

- i. SWBT.
- ii. All other CLECs (combined total),
- iii. Or, if i and ii are unknown, indicate the total.

The two groups of parties submitting objections to DR 2512 claimed that the data request is unduly burdensome. Both objections stated that the data request is burdensome because the companies do not maintain the information in the normal course of business, do not maintain the information by exchange as requested, or do not maintain the information at all. The XO Missouri group indicates it will provide the information that it does maintain.

Staff argues that the index of exchanges by NXX code can be used to easily determine the requested information by each exchange. In addition, the language of the

request itself allows a company to indicate the total lines lost by exchange if the company to which the customer was lost is not known.

The Commission has considered the motion filed by Staff and the objections of the parties. The Commission finds that DR 2512 is not overly burdensome. The objections to DR 2511 are overruled. The Commission will direct the parties as listed on Appendix B to Staff's Second Motion to Compel to answer each of the data requests presented.

f. DR 2513

Staff's DR 2513 states:

By SWBT exchange, for each year since your firm began serving end-users, list the number of complaints for poor or delayed service made against your firm by your end-users and identify the number of those complaints that are unresolved. Provide this information on the annual basis and use December 31st of each year as a cut-off date.

The two groups of parties submitting objections to DR 2513 each claimed that the data request is unduly burdensome. Both objections stated that the data request is burdensome because the companies do not maintain the information in the normal course of business or do not maintain the information at all. In addition, both groups objected to the relevance of the information. Both groups indicated they are will provide the information that each maintains.

Staff argues that its requests are relevant to proving how much competition exists in SWBT exchanges. Staff states that the information in DR 2513 can be linked to competition because in a competitive market the quality of service would be expected to increase and customer complaints would be expected to decrease.

The Commission has considered the motion filed by Staff and the objections of the parties. The Commission finds that DR 2513 is not overly burdensome and is reasonably calculated to produce relevant evidence. The objections to DR 2513 are overruled. The Commission will direct the parties as listed on Appendix B to Staff's Second Motion to Compel to answer each of the data requests presented.

g. DR 2514

Staff's DR 2514 states:

Identify those SWBT exchanges in which your firm does business but considers unprofitable.

The AT&T group objects to DR 2514 because it does not maintain the information by exchange and is therefore unable to produce the requested information. The AT&T group states that it will respond on "a state specific level." Staff argues that the information is not overly burdensome, because the companies must file and maintain tariffs that designate in which exchanges the companies will operate. Staff stated that any difficulty in identifying the appropriate exchanges will be aided by the index of exchanges by NXX code on the Commission's website.

The Commission has considered the motion filed by Staff and the objections of the parties. The Commission finds that DR 2514 is not overly burdensome. The objection to DR 2514 is overruled. The Commission will direct the parties as listed on Appendix B to Staff's Second Motion to Compel to answer each of the data requests presented.

Request for Waiver of 4 CSR 240-2.090(8)

In each of its motion to compel, Staff requested a waiver of the Commission's rule 4 CSR 240-2.090(8). That rule requires that before a party file a motion to compel discovery, it attempt to confer by telephone or in person with opposing counsel. After the person-to-person conference, if the discovery issues are still not resolved, 4 CSR 240-2.090(8) requires that the moving party arrange for a telephone conference with the presiding officer. Staff did not attempt to contact counsel for each party in person, nor did it arrange a telephone conference with the presiding officer.

Staff stated that good cause exists for granting it a waiver of this rule, because of the number of parties involved in the discovery dispute. Staff states that there are 53 ALECs and 41 ALECs are not represented by counsel. Staff also stated that the data requests are not company-specific, and that each company was asked for the same information.

TCG objected to the granting of a waiver in Staff's first Motion to Compel. TCG argued that Staff's counsel did contact its counsel with regard to other discovery disputes, and therefore, it should not have been a burden for Staff to have contacted it with regard to DR 2501. No other objections to the waivers were filed.

The Commission has considered Staff's requests for waivers of rule 4 CSR 240-2.090(8) and finds that because of the numerous parties involved in the discovery dispute, good cause exists to grant the waivers. Therefore, the Commission will grant Staff a waiver of rule 4 CSR 240-2.090(8) with regard to its Motion to Compel and Second Motion to Compel.

Motion to Extend Procedural Schedule

On August 6, 2001, the Office of the Public Counsel filed a motion to extend the procedural schedule by approximately two weeks. Public Counsel stated that it had contacted counsel for all the represented parties and that none had any objections to the extension. Public Counsel noted, however, that Southwestern Bell Telephone Company would not agree to any extension requiring the hearing to continue beyond October 14, 2001.

Public Counsel requests the extension so that it may continue discussions among it, Staff, and SWBT regarding how to obtain the data requested in Staff's data requests. Public Counsel indicates that the extension would be necessary for the parties to incorporate the answers to Staff's data requests in their rebuttal testimony. The Commission extended the date for the filing of rebuttal testimony from August 9, 2001, to August 16, 2001, in order to give time for party responses to and Commission consideration of Public Counsel's motion. The Commission also directed the parties to file responses to Public Counsel's motion no later than August 13, 2001.

A response was filed by SWBT. SWBT stated that it did not object to the procedural schedule as submitted by the Public Counsel. SWBT did request, however, that the Commission maintain the 30-day period between the filing of rebuttal and the filing of surrebuttal testimony.

The Commission has reviewed Public Counsel's motion and the response of SWBT. Because of the Commission's current docket it will deny Public Counsel's motion for extension of the procedural schedule. However, because the date for the filing of

rebuttal testimony has been extended to August 16, 2001, the Commission will also extend the deadline for the filing of surrebuttal testimony.

IT IS THEREFORE ORDERED:

1. That the alternative local exchange companies listed in Appendix B to the Staff of the Missouri Public Service Commission's Motion to Compel filed on July 27, 2001, and attached to this order as Attachment A, shall answer Staff's Data Request No. 2501, no later than August 24, 2001.

2. That the alternative local exchange companies listed in Appendix B to the Staff of the Missouri Public Service Commission's Second Motion to Compel filed on August 7, 2001, and attached to this order as Attachment B, shall answer Staff's Data Requests Nos. 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, and 2514 no later than August 24, 2001.

3. That the objections to Staff's Data Request Nos. 2501, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, and 2514 are overruled.

4. That the Office of the Public Counsel's Motion to Extend Procedural Schedule is denied.

5. That surrebuttal testimony shall be filed no later than 4:00 p.m., September 17, 2001.

6. That Staff's request for a waiver of 4 CSR 240-2.090(8) with regard to its Motion to Compel filed on July 27, 2001, is granted.

7. That Staff's request for a waiver of 4 CSR 240-2.090(8) with regard to its Second Motion to Compel filed on August 6, 2001, is granted.

8. That this order shall become effective on August 24, 2001.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

(S E A L)

Simmons, Ch., Lumpe, and Gaw, CC.,
concur.

Murray, C., absent.

Dippell, Senior Regulatory Law Judge

APPENDIX B

1-800-Reconnex, Inc.

2nd Century Communications, Inc.

AccuTel of Texas, Inc.

Adelphia Business Solutions

Allegiance Telecom of Missouri¹

American Communications Services of K.C., Inc.

BarTel Communications, Inc.

Birch Telecom of Missouri, Inc.

Brooks Fiber Communications of Missouri, Inc.

Buy-Tel Communications, Inc.

Camarato Distributing, Inc.

Central Missouri Telecommunications, Inc.

Cierra Network Systems, Inc.

The Cube

Delta Phones, Inc.

DMJ Communications, Inc.

Gabriel Communications of Missouri, Inc. (now NuVox)

Global Crossing Local Services

Global Crossing Telemanagement, Inc.

HJN Telecom, Inc.

LDD, Inc.

Logix Communications Corporation

Maxcom, Inc.

¹ See paragraph 7 of Staff's Motion.

Max-Tel Communications, Inc.

McLeodUSA

MCImetro Access Transmission Services, LLC

MCI Worldcom Communications, Inc.

Missouri Telecom, Inc.

Mpower Communications Corp.

Net-Tel Communications Corporation

NOW Communications, Inc.

Omniplex Communications Group

The Pager Company

Phones for All

Primary Network Communications (a/k/a Broadspan Communications, Inc., now
Mpower Communications Central Corp.)

QCC, Inc.

Quick-Tel Communications

Quintelco, Inc.

Ren-Tel Communications

Simply Local Services, Inc.

Smoke Signal Communications

Snappy Phone

Southwest Teleconnect

TCG Kansas City

TCG St. Louis

Teligent, Inc.

Tel-Link

TransStar Communications

Universal Telephone

U.S. Telco, Inc.

Winstar Wireless, Inc.

WorkNet Communications, Inc.

APPENDIX B
STAFF'S SECOND MOTION TO COMPEL

2nd Century Communications, Inc.

AccuTel of Texas, Inc.

Adelphia Business Solutions

Allegiance Telecom of Missouri¹

American Communications Services of K.C., Inc.

AT&T Communications of the Southwest, Inc.

Birch Telecom of Missouri, Inc.

Brooks Fiber Communications of Missouri, Inc.

BTI

Camarato Distributing, Inc.

Central Missouri Telecommunications, Inc.

Cierra Network Systems, Inc.

Computer Business Sciences, Inc. (IG2)

The Cube

Delta Phones, Inc.

DMJ Communications, Inc.

EZ Talk Communications, LLC

Gabriel Communications of Missouri, Inc. (now NuVox)

Global Crossing Local Services

Global Crossing Telemanagement, Inc.

KMC Telecom III, Inc.

LDD, Inc.

¹ See paragraph 8 of Staff's Motion.

Logix Communications Corporation

Maxcom, Inc.

Max-Tel Communications, Inc.

MCImetro Access Transmission Services, LLC

MCI Worldcom Communications, Inc.²

McLeodUSA

Missouri Comm South, Inc.

Missouri Telecom, Inc.

Net-Tel Communications Corporation

NOW Communications, Inc.

The Pager Company³

Payroll Advance

Phones for All

Primary Network Communications (a/k/a Broadspan Communications, Inc., now
Mpower Communications Central Corp.)

QCC, Inc.

Quick-Tel Communications

Quintelco, Inc.

Ren-Tel Communications

Simply Local Services, Inc.

Smoke Signal Communications

Snappy Phone

Southwest Teleconnect

² See paragraph 6 of Staff's Motion.

³ See paragraph 10 of Staff's Motion.

Sprint Communications Company, L.P.⁴

TCG Kansas City

TCG St. Louis

Tel Com Plus

Teligent, Inc.⁵

Tel-Link

Universal Telephone

U.S. Telco, Inc.

Winstar Wireless, Inc.

WorkNet Communications, Inc.

XO Missouri, Inc.⁶

⁴ See paragraph 11 of Staff's Motion.

⁵ See paragraph 9 of Staff's Motion.

⁶ See paragraph 6 of Staff's Motion.

ALJ/Secretary:

Dempsey L. Byrne

Date Circulated

8-13

CASE NO.

10-2001-467

KS
Simmons, Chair

Robert
Murray, Commissioner

JS
Lumpke, Commissioner

JS
Gaw, Commissioner

Commissioner

Agenda Date

8-14

Action taken:

3-0A5

Must Vote Not Later Than

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 14th day of August 2001.

Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

