

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

**October 4, 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 that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

**Uncertified copies:**

**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 Southwestern Bell                 ) Case No. TO-2001-467  
Telephone Company.   )

**ORDER SETTING BRIEFING SCHEDULE,  
SETTING TIME FOR FILING OF POST-HEARING EXHIBITS,  
AND SETTING TIME FOR FILING OF RESPONSES**

This order sets the briefing schedule, directs the filing of post-hearing exhibits, and sets the time for responses to post-hearing exhibits.

A hearing was held in this matter on September 24-27, 2001. On the last day of hearing, the parties agreed to the briefing schedule set out below. In addition, the Commission requested that a post-hearing exhibit be filed by Southwestern Bell Telephone Company. The Commission will set the time for filing of that exhibit and for the filing of responses regarding that exhibit.

The Commission also received written motions from Fidelity Communication Services III, Inc., Missouri Independent Telephone Group, and IP Communications Corporation d/b/a IP Communications of the Southwest requesting to be excused from the hearing. Each of those parties waived their rights to presentation of an opening statement and the right to cross-examination, but each requested that it be allowed to file briefs. The motions were granted in that the movants were not required to be physically present at the hearing; however, the Commission notes that by failing to be present at the hearing, the

parties waived any rights to present arguments or evidence and waived any rights to object to the arguments and evidence presented by the other parties.

The Commission also received on September 18, 2001, the Petition of Morton Posner for Leave to Appear on Behalf of Allegiance Telecom pursuant to Commission rule 4 CSR 240-2.040(3)(C). Mr. Posner's petition was in compliance with the Commission's rule and was granted at the hearing.

The Commission received the motion of Mpower Communications Central Corp., f/k/a Primary Network Communications, Inc., f/k/a BroadSpan Communications, Inc., requesting that it be allowed to withdraw from the case. Mpower stated that it had ceased operations in Missouri and has surrendered its certificate of authority. The motion was granted at the hearing and Mpower is dismissed as a party to this case.

**IT IS THEREFORE ORDERED:**

1. That the following schedule for briefs, filing of post-hearing exhibits, and responses to post-hearing exhibits shall be followed:

Southwestern Bell Telephone Company to file post-hearing Exhibit 29	October 9, 2001
Objections or responses to Exhibit 29 due	October 16, 2001
Responses to Objections to Exhibit 29 due	October 22, 2001
Initial Briefs and Proposed Findings of Facts and Conclusions of Law due	November 9, 2001
Reply Briefs due	November 21, 2000

2. That the Motion to Withdraw From Case of Mpower Communications Central Corp., f/k/a Primary Network Communications, Inc., f/k/a BroadSpan Communications, Inc., is granted. Mpower shall be removed from the official service list of this case.

3. That the requests of Fidelity Communication Services III, Inc., Missouri Independent Telephone Group, and IP Communications Corporation d/b/a IP Communications of the Southwest to be excused from the hearing are granted.

4. That the Petition of Morton Posner for Leave to Appear on Behalf of Allegiance Telecom is granted. The Commission's Data Center shall add Mr. Posner as counsel for Allegiance on its official service list.

5. That this order shall become effective on October 9, 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.

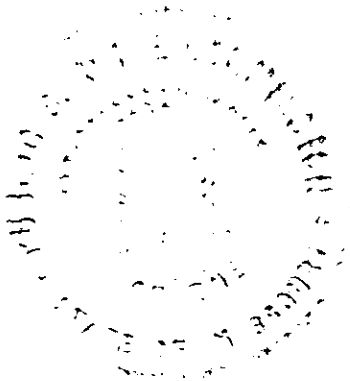
Dated at Jefferson City, Missouri,  
on this 4th day of October, 2001.

**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 4<sup>th</sup> day of Oct. 2001.



A handwritten signature in cursive script, reading "Dale Hardy Roberts", is written over a horizontal line.

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