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August 13, 2001

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

FILED³

AUG 13 2001

Missouri Public
Service Commission

Re: Case No. TO-2001-467

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and eight copies of Southwestern Bell Telephone Company's Response to OPC's Motion for Extension of Time.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Leo J. Bub /tm

Leo J. Bub

Enclosure

cc: Attorneys of Record

FILED³

AUG 13 2001

Missouri Public
Service Commission

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

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
RESPONSE TO OPC'S MOTION FOR EXTENSION OF TIME**

Southwestern Bell Telephone Company submits this response pursuant to the Missouri Public Service Commission's August 10, 2001 Order Directing Filing and states:

1. On August 6, 2001, the Office of the Public Counsel (OPC) filed a Request for an Extension of the Procedural Schedule in this case by approximately two weeks. OPC made this request in order to allow time to receive and incorporate into prefiled testimony answers from various data requests for which Staff has filed Motions to Compel.¹

2. Southwestern Bell did not object and does not now object to OPC's proposed extended procedural schedule because OPC purposefully kept the same amount of time between the filing of rebuttal testimony and surrebuttal testimony. This was an important factor in developing both the existing procedural schedule and the extended procedural schedule now being proposed by OPC. The parties expect that a large number of witnesses will file rebuttal testimony and that they may raise a substantial number of issues in various areas. The parties, and particularly Southwestern Bell, will need the full amount of time currently allotted to prepare surrebuttal testimony to respond and address these issues for the Commission

¹ On July 27, 2001, Staff filed a Motion to Compel alleging that 52 CLECs failed to answer its data requests in this case. Staff filed a second Motion to Compel on August 7, 2001, indicating that although a few of those CLECs had answered some of Staff's DRs, they had not provided complete responses and that 47 CLECs still had not provided any response at all.

3. Southwestern Bell also concurs with the alternative October 9-12 hearing dates proposed by OPC as Southwestern Bell believes that this case can be tried within the four days available that week. As OPC indicated in its Motion, moving the hearing past October 12 would make the scheduling of this case very difficult for Southwestern Bell.

4. If the Commission adopts an alternate schedule, Southwestern Bell would respectfully request that the Commission attempt to maintain the same amount of time between the filing of rebuttal and surrebuttal testimony because of the number of witnesses and issues anticipated to be raised in rebuttal. As indicated above, the parties will need this time to address those issues for the Commission in their surrebuttal testimony.

5. Southwestern Bell would oppose extending the date for filing of rebuttal testimony without also extending the date for surrebuttal. For example, if the Commission is inclined to maintain the existing September 24-28 hearing dates and the August 16 date for filing rebuttal (which, before the recent one-week extension, was previously due August 9), Southwestern Bell would request extending the date for filing surrebuttal by three days to September 14.

6. Unless the date for filing surrebuttal is extended in unison with extensions for rebuttal, Southwestern Bell will be burdened with a shortened period in which to file surrebuttal testimony. It would be inappropriate to place this burden on Southwestern Bell when the reason for OPC's request to extend the procedural schedule is the failure of other parties to supply Staff and OPC with data request answers in a timely fashion in accordance with Commission rules.

WHEREFORE, Southwestern Bell would urge the Commission to adopt the extended procedural schedule as originally proposed by OPC. Alternatively, if the Commission is inclined

to adopt a different schedule, Southwestern Bell would respectfully request the Commission to maintain approximately 30 days between the filing of rebuttal and surrebuttal.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the Service List by first-class, postage prepaid U.S. Mail on August 13, 2001.


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