



www.ip.net

IP Communications Corporation
6405 Metcalf, Suite 120
Overland Park, KS 66202

April 29, 2002

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

Re: TO-2001-439

Dear Mr. Roberts:

Please find enclosed for filing an original and nine (9) copies of IP Communications of the Southwest's Response to Commission Order Rescheduling Oral Argument and Further Request for Limited Substitution of Counsel. Please stamp the extra copy filed and return in the self addressed stamped envelope. If there are any questions, please contact me at (913) 831-1013. Thank you.

Sincerely,

A handwritten signature in black ink, reading 'David J. Stueven'. The signature is fluid and cursive, with the first name 'David' and last name 'Stueven' clearly legible.

David J. Stueven
Director, Regulatory
IP Communications Corporation

Cc
Counsel of Record

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Determination of)
Prices, Terms and Conditions for Loop)
Conditioning.)

Case No. TO-2001-439

**RESPONSE TO COMMISSION ORDER RESCHEDULING ORAL ARGUMENT
AND FURTHER REQUEST FOR LIMITED SUBSTITUTION OF COUNSEL**

COMES NOW IP Communications of the Southwest ("IP") and for its Response to Commission Order Rescheduling Oral Argument and Further Request for Limited Substitution of Counsel, states as follows:

1. On April 19, 2002, the Missouri Public Service Commission issued an Order scheduling an oral argument concerning the various pleadings filed after the Commission's Final Order in this case. The oral argument was scheduled for April 30, 2002 at 10:00 am. IP filed its Request for Limited Substitution of Counsel on April 24, 2002. The Commission issued an Order on April 26, 2002 rescheduling the oral argument for May 9, 2002 and declaring IP's request moot.

2. The undersigned counsel for IP would still be unable to attend for medical reasons. Undersigned counsel is currently scheduled to have a tumor removed from his upper spinal cord on May 13, 2002. Until such time that this medical condition is resolved, undersigned counsel will not be able to travel to Jefferson City.¹

¹ Undersigned counsel's recovery time is unknown.

3. IP incorporates by reference its previous request for limited substitution of counsel in its entirety.

4. IP is also responding to SWBT's response to IP's original request. Clearly IP does fall within the permitted role found in Supreme Court Rule 4-3.7 even if there were not extreme circumstances supporting the request. Further, SWBT's concerns about confidentiality are completely unfounded as IP and SWBT entered into a side agreement that allows Mr. Siegel access to the material SWBT is concerned about. SWBT's raising of this issue is disingenuous and misleading to the Commissioners. SWBT is also incorrect on the "joint position" of AT&T and IP. While IP and AT&T have common positions in this case and have filed one joint pleading after the Final Order in this case, IP has also filed a separate pleading that AT&T did not join in on. It is IP's understanding that the Oral Argument is to cover all pleadings filed after the Final Order, not just SWBT's motion for rehearing.

5. SWBT has singularly failed to point out any valid harm that it would suffer if Mr. Sigel were allowed to present IP's argument. As pointed out in IP's initial request, the purpose of the rule is to ensure that the trier of fact or law is not confused on the point of whether the person in question is acting as an attorney or as a witness. In this case, it is clear; and IP is confident that the Commission can make that distinction. As such, SWBT suffers no harm whatsoever, and IP remains in full compliance with the rule.

WHEREFORE, IP Communications of the Southwest respectfully requests that the Commission grant IP's Request for Limited Substitution of Counsel and

permit Mr. Siegel to present IP's oral argument at the May 9, 2002 Oral Argument scheduled by the Commission in this case.

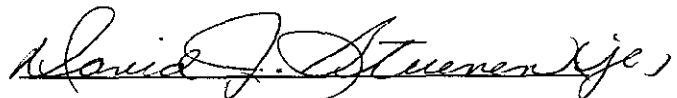
Respectfully submitted,

A handwritten signature in cursive script, reading "David J. Stueven (je)".

David J. Stueven MO Bar No. 51274
Director, Regulatory – MO, OK, KS
IP Communications of the Southwest
6405 Metcalf, Suite 120
Overland Park, KS 66202
(913) 831-1013
Fax: (913) 831-1008
Email: dstueven@ip.net
**Attorney for IP Communications
of the Southwest**

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 29th day of April 2002.

A handwritten signature in cursive script, reading "David J. Stueven (je)".

**Service List for
Case No. TO-2001-439**

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

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

**Paul S. DeFord
Lathrop & Gage
2345 Grand Boulevard, Suite 2500
Kansas City, MO 64108**

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

**Mary Ann Young (Garr)
William D. Steinmeier, P.C.
P. O. Box 104595
Jefferson City, MO 65110-4595**

**Carol Keith
NuVox Communications
16090 Swingley Ridge Rd., Suite 500
Chesterfield, MO 63006**

**Michelle Sloane Bourianoff
AT&T Communications
919 Congress, Suite 900
Austin, TX 78701**

**Paul H. Gardner
Goller, Gardner & Feather
131 East High Street
Jefferson City, MO 65101**

**Paul G. Lane
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101-1976**

**Carl J. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
Clayton, MO 63105**

**Mark W. Comley/Cathleen A. Martin
Newman, Comley & Ruth P.C.
601 Monroe, Suite 301
Jefferson City, MO 65101**

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

**Lisa Creighton Hendricks
6450 Sprint Parkway, Bldg 14
Mail Stop KSOPKJ0502
Overland Park, KS 66251**

Bradley R. Kruse
McLeodUSA Telecommunications Services, Inc.
6400 C. Street, S.W.
P.O. Box 3177
Cedar Rapids, IA 52406-3177

David Woodsmall
Mpower Communications Central Corp.
175 Sully's Trail, Suite 300
Pittsford, NY 14534

Rebecca D. Cook
AT&T Communications
1875 Lawrence Street, Suite 1575
Denver, CO 80202

Steven Weber
101 W. McCarty, Suite 216
Jefferson City, MO 65102