

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

In the Matter of the Request of Southwestern Bell)	
Telephone, L.P., d/b/a SBC Missouri, for Competitive)	Case No. TO-2006-0102
Classification Pursuant to Section 392.245.6,)	Tariff File No. YI-2006-0145
RSMo (2005) - 60-Day Petition.)	

SBC MISSOURI’S RESPONSE TO ORDER DIRECTING FILING

SBC Missouri¹ provides the following information that it has in its possession in response to the Missouri Public Service Commission’s (“Commission’s”) October 7, 2005 Order Directing Filings:

1. On October 7, 2005, the Commission issued an Order determining it appropriate for Staff and SBC Missouri to file additional information and required this information to be filed expeditiously.

2. The Commission directed SBC Missouri to provide a verified supplemental pleading addressing the following:

- For each wireless company that SBC Missouri identifies as a competitor in an exchange, does such company have 2 or more business customers whose addresses are located within that exchange?
- For each wireless company that SBC Missouri identifies as a competitor in an exchange, does such company have 2 or more residential customers whose addresses are located within that exchange?

In its Order, the Commission directed SBC Missouri to Staff’s September 20, 2005, Response to Order Directing Filing and Motion For Leave to File Out of Time, in Case No. TO-2006-0093, “as an example of the type of information requested.”²

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as “SBC Missouri.”

² Order Directing Filings, Case No. TO-2006-0102, issued October 7, 2005, Fn. 2.

3. In compliance with the Commission's directive, SBC Missouri is filing with this pleading two charts supplying the same type of information Staff filed in Case No. TO-2006-0093 in its September 20, 2005 Response to Order Directing Filing and Motion For Leave to File Out of Time. These charts are appended as Attachment 1 (business service exchanges) and Attachment 2 (residential service exchanges). Specifically, these Attachments show for every requested exchange in this case, a wireless carrier identified as a competitor, and whether that wireless provider offers customers a local number. While the statute does not require that local numbers be available, these charts show that they are in the vast majority of exchanges. They also show that in a number of exchanges, the wireless provider has chosen to provide service using a number from an exchange in the mandatory portion of the MCA, which meets customer needs. With these numbers, all customers within the mandatory portions of the MCA, as well as subscribers to MCA service in the optional exchanges, may make calls to and receive calls from a wireless subscriber in the designated exchange on a locally dialed and toll free basis.

4. SBC Missouri would also note that in all cases where local numbers are not already assigned to the wireless carrier, customers may seek to port their existing landline number to the wireless provider, thus meeting any concerns about the availability of "local numbers" from wireless providers. In such cases, if a wireless customer ports a landline number, customers in the identified exchange can continue to call the wireless customer on a locally dialed and toll free basis. If there were a "local number" requirement (which there is not), the availability of landline number porting would satisfy the requirement. But as shown in Attachments 1 and 2, in addition to porting, there are local numbers available from wireless carriers in the vast majority of exchanges.

5. SBC Missouri, however, does not have in its possession information from which it can determine the number of business or residential customers a wireless carrier has in a particular exchange. If the Commission is interested in obtaining this information, it should follow the course of action it took in the CenturyTel and Spectra cases for obtaining such information. There, the Commission joined the wireless carriers designated by CenturyTel or Spectra as qualifying competitors in each exchange and directed each of the wireless carriers joined as parties:

“to file a verified pleading stating, for each exchange under consideration in this proceeding, whether or not it has at least two residential customers and two business customers whose addresses are located within that exchange.”³

The wireless carriers in those cases responded and provided the Commission with the information requested. SBC Missouri also notes that, in the CenturyTel and Spectra cases, that Cingular Wireless advised that the Commission could, so long as it kept the information subject to appropriate confidentiality protections, obtain data showing, for each wireless carrier, the number of subscribers in the state and the number of telephone numbers used by each wireless carrier in each rate center in the state. SBC Missouri respectfully requests the Commission to gather this information to the extent it questions whether wireless providers are serving customers in the exchanges identified by SBC Missouri.⁴

³ In the Matter of Spectra Communications Group, LLC, d/b/a CenturyTel’s request for competitive classification pursuant to Section 392.245.5, RSMo (2005), Case No. IO-2006-0108, Order Granting Intervention, Resetting Hearing, Adding Parties and Directing Filing, issued September 22, 2005, pp. 2-4. See also, In the Matter of CenturyTel of Missouri LLC’s request for competitive classification pursuant to Section 392.245.5, RSMo (2005), Case No. IO-2006-0109, Order Adding Parties and Directing Response, issued September 22, 2005 at pp. 1-2.

⁴ See letter dated October 3, 2005 from Cindy Manheim, Senior Regulatory Counsel of Cingular Wireless to Honorable Cully Dale, Secretary and Chief Regulatory Law Judge and Hon. Morris Woodruff, Assigned Law Judge providing Cingular Wireless’ response to the Missouri Public Service Commission’s orders requesting information in Case Nos. IO-2006-0108 and IO-2006-0190. For the convenience of the Commission, a copy of Cingular Wireless’ filing is Appended as Attachment 3.

6. SBC Missouri, however, would note that it should not be necessary here for the Commission to have evidence showing, in each requested exchange for the requested business or residential services, whether a wireless company has two or more customers whose addresses are located within that exchange:

- SB 237 does not require such a showing for qualifying a wireless carrier. Section 392.245.5(1) simply states that:

Commercial mobile service providers as identified in 47 U.S.C. Section 332(d)1 and 47 C.F.R. Parts 22 or 24 shall be considered as entities providing basic local telecommunication service, provided that only one such non-affiliated provider shall be considered as providing basic local telecommunications service within that exchange.

- Even without identifying a qualifying wireless carrier, SBC Missouri has met the statutory criteria in the requested exchanges because it has identified at least two CLECs respectively providing business and/or residential “local voice” service by using the telecommunications facilities or other facilities of a third party, including those of the incumbent LEC, within the meaning of Section 392.245.5(6).⁵ As there are at least two CLECs providing the respective business or residential services within the requested exchanges to customers, the Commission already has sufficient evidence that (1) there are at least two residential customers receiving local voice service from qualifying competitors in the exchanges for which competitive classification for residential services is being sought; and (2) that there are at least two business customers receiving local voice service from qualifying competitors in the exchanges for which competitive classification is being sought for business services.

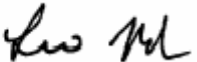
WHEREFORE, having demonstrated that it has met the statutory criteria for each requested exchange, SBC Missouri respectfully requests the Commission to grant competitive

⁵ See Unruh Rebuttal, Revised Exhibits B-1 and B-2; and Revised Unruh Schedules 2(HC) and 3(HC).

classification for business services in the exchanges listed in Revised Exhibit B-1 and for residential services in the exchanges listed in revised Exhibit B-2.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A SBC MISSOURI

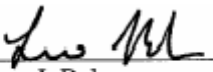
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on October 11, 2005.



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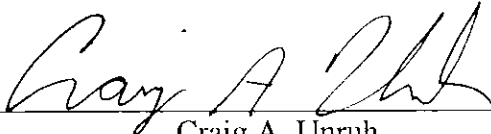
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VERIFICATION

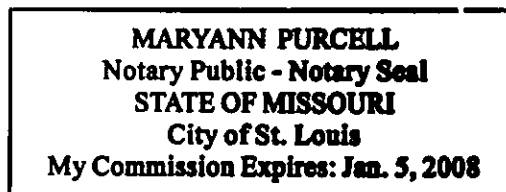
STATE OF MISSOURI)	
)	SS
CITY OF ST. LOUIS)	

I, Craig A. Unruh, of lawful age upon his oath states: that he is Executive Director-Regulatory for Southwestern Bell Telephone, L.P., d/b/a SBC Missouri; that he participated in the preparation of the charts appended to this pleading as Attachments 1 and 2, which were prepared in response to the Commission's October 7, 2005 Order Directing Filings in Case No. TO-2006-0102; that he has knowledge of the matters set forth in this pleading and in Attachments 1 and 2 to the pleading; and that such matters are true and correct to the best of his knowledge and belief.


Craig A. Unruh

Subscribed and sworn to before me this 11th day of October, 2005.


Notary Public



My Commission Expires: January 5, 2008