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August 6, 2001

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65101

FILED³

AUG 06 2001

Missouri Public
Service Commission

Re: Case No. TO-2001-467

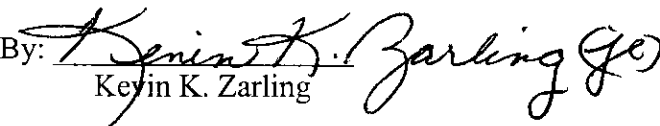
Dear Judge Roberts:

Attached for filing with the Commission are the original and eight (8) copies of TCG St. Louis and TCG Kansas City's Response to Staff's Motion to Compel and for Waiver in the above referenced docket.

I thank you in advance for your cooperation in bringing this to the attention of the Commission.

Very truly yours,

AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC.

By: 
Kevin K. Zarling

Attachment

cc: All Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

AUG 06 2001

Missouri Public
Service Commission

In the Matter of the Investigation)
of the State of Competition in the) Case No. TO-2001-467
Exchanges of Southwestern Bell)
Telephone Company)

**TCG ST. LOUIS AND TCG KANSAS CITY'S
RESPONSE TO STAFF'S MOTION TO COMPEL AND FOR WAIVER**

TCG St. Louis, and TCG Kansas City (collectively "TCG") submits the following Response to Staff's Motion to Compel Discovery and for Waiver, filed July 27, 2001, and would respectfully state as follows:

1. TCG understands Staff's request for a waiver of 4 CSR 240-2.090(8) given the scope of CLECs to whom data requests ("DR") were submitted. However, the Staff's motion suggests non-responsiveness and a general lack of diligence by all but a few enumerated carriers, and TCG objects to that characterization of its treatment of Staff DR 2501. Within 10 days of receipt of Staff DR 2501 a representative of TCG met with Staff to explain that in the normal course of business TCG does not maintain data in the form Staff requested, i.e., by exchange. Despite the fact that TCG has a legitimate objection to providing the data requested by Staff, TCG explained that it would endeavor to provide a useful response as soon as possible. TCG had hoped that its specific efforts to coordinate with Staff on this DR would have resulted in at least further communication with TCG's counsel by Staff counsel prior to its filing a motion to compel against TCG. In that regard, TCG notes that Staff counsel did contact TCG's counsel in regard to *other* Staff DRs that were objected to, and the parties have thus far continued to coordinate and cooperate regarding the ongoing production of responses to those *other* DRs. As alluded to above, TCG is endeavoring to compile responsive data, so Staff's motion may become

moot in its entirety. However, TCG objects to Staff's request for a waiver of 4 CSR 240-2.090(8) with respect to TCG, and would certainly expect that the requirements of that rule would be complied with prior to any order to compel TCG to produce data to which TCG has a legitimate objection to producing, particularly while TCG is making a good faith effort to comply.

2. As to the merits of Staff's motion, TCG objects to the production of data that TCG does not keep in the ordinary course of business and for which it would be unduly burdensome to produce in the fashion that Staff has requested. Nevertheless, TCG has agreed to try to provide the data. Staff's motion expresses incredulity at CLECs lack of record keeping by exchange, and Staff cites to some statutory and regulatory requirements related to ILEC exchanges. Nothing about these requirements specifies customer records by exchange, and it should be expected that CLECs *would not* simply mimic the ILECs' "exchange" level of record keeping when the exchanges are, in fact, only the ILECs' exchanges. Competition is, or should be, about CLECs conducting their business operations differently than the ILECs. For example, TCG's St. Louis switch can and does serve multiple ILEC exchanges, so it would be an unnecessary and illogical burden for TCG to maintain records that do not correspond to the serving area of its switch.

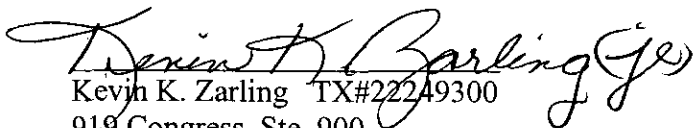
3. TCG is attempting to produce the data requested by Staff DR 2501. However, simply matching the "customer NPA-NXX" does not satisfy the DR as Staff's motion suggests. Staff's DR asks for a breakdown of access lines by, among other things, customer class, i.e., residential versus business. TCG's switch data, showing NPA-NXXs served, does not distinguish between residential and business customers. To the extent

that TCG has customer list data, that does not identify the number of access lines associated with a particular NPA-NXX, it only shows the number of customers. At the same time, cross-referencing NPA-NXX data and customer lists by business unit in order to break out the relative number of residential and business lines is more time consuming than Staff obviously expected. However, as of today TCG continues to work diligently to produce responsive data, and would expect that, to the extent TCG can respond, a response can be provided by August 15, 2001. In light of Public Counsel's Motion to Extend Procedural Schedule filed today, which represents that Staff does not object to such motion, the time necessary for TCG to respond should not be a burden on Staff or the other parties to the case.

WHEREFORE, TCG respectfully requests that Staff's motion to compel be denied, and that, in the alternative, prior to any order to compel being issued that Staff be required to comply with the requirements of 4 CSR 240-2.090(8) with respect to TCG.

Respectfully submitted,

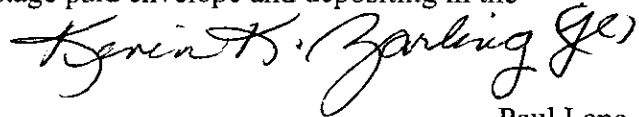
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Southwest, Inc.


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CERTIFICATE OF SERVICE BY MAIL

A true and correct copy of the foregoing in Docket TO-2001-467 was served upon the parties identified on the following service list on this 6th Day of August, 2001 by either hand delivery or placing same in a postage paid envelope and depositing in the U.S. Mail.



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Adelphia Business Solutions
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Allegiance Telecom of Missouri
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dPi-Teleconnect, L.L.
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Tampa, FL 33619

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MCI Worldcom Communications
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Dallas, TX 75382-12

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Little Rock, AR 7220

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NOW Communications, Inc.
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Jackson, MS 39208

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St. Charles, MO 6330

The Pager Company
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Kansas City, MO 64127

Payroll Advance
808 South Baker
Mountain Home, AR 72643

Phones for All
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Primary Network Communications
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St. Louis, MO 63146

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Boyd, TX 76023

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Qwest Communications Corp.
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Ren-Tel Communicat
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Villa Rica, GA 30180

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

Smoke Signal Communications
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Houston, TX 77074

Snappy Phone
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Shreveport, LA 7112

SouthWest TeleConnect
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Austin, TX 75752-2828

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Suretel, Inc.
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