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December 24, 1998

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FILED

DEC 24 1998

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TO-99-227

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S MOTION TO MODIFY PROCEDURAL SCHEDULE.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Penny G. Baker
Deputy General Counsel
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PGB/slr
Enclosure
cc: Counsel of Record

Before the Missouri Public Service Commission

OF THE STATE OF MISSOURI

FILED

DEC 24 1998

Missouri Public
Service Commission

Application of Southwestern Bell)
Telephone Company to Provide Notice of)
Intent to File an Applications for)
Authorization to Provide In-Region)
InterLATA Services Originating in)
Missouri Pursuant to Section 271 of the)
Telecommunications Act of 1996)

Case No. TO-99-227

**STAFF RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S
MOTION TO MODIFY PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Service Commission ("Staff") and for this Response states as follows:

1. The Staff recognizes the importance of this proceeding to Southwestern Bell Telephone Company ("SWBT") and to the consumers of the State of Missouri. It is because of this importance that the Staff feels compelled to respond to the Office of the Public Counsel's ("OPC") Motion to Modify Procedural Schedule.

2. SWBT witness William R. Dysart, Director - Performance Measurements for SWBT, is responsible for the development of performance measures to assess SWBT's relationship between itself and the CLEC's. The specific performance measures were, and continue to be, developed in a collaborative process including the Department of Justice, the FCC and the Texas State Utility Commission (Dysart, Direct, page 2, lines 6-15). SWBT has "agreed to a comprehensive list of performance measures which the DOJ has said 'would be

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sufficient, if properly implemented, to satisfy the Department's need for performance measures for evaluating a Section 271 application...' (Dysart, Direct, page 3, lines 18-21).

In addition, Dysart goes on to say:

The Texas Collaborative Process is relevant to SWBT's 271 application in Missouri since most parties in the Texas Collaborative Process are also interested parties in Missouri. Most parties would agree that one set of performance measurements for all SWBT states is in the best interest of both SWBT and the CLECs. One common set of performance measurements will provide consistency in reporting and analysis from state to state. This will be more efficient for both SWBT and CLECs.

3. The Staff agrees completely with this statement by SWBT's witness Dysart. Thus, Staff suggests that it may be more appropriate to begin by establishing performance standards for the checklist items before moving forward with developing a full evidentiary record regarding whether SWBT actually meets each of the points required for authorization to provide In-Region InterLATA telecommunications service.

4. Although the Staff recognizes that the approval of the Missouri Public Service Commission ("MoPSC") is not required for SWBT to be granted authorization to provide In-Region InterLATA services, the Federal Communications Commission ("FCC") has made it clear that it will rely heavily on the evidentiary record established by the State Commission in reaching the FCC's decision on an Application filed before it.

5. Other State Commissions faced with this same situation have started out the process by moving forward with procedural schedules that would provide an answer to the specific checklist items. The focus was on reaching a decision in each instance of either a "yes" or "no"; the requirement was either met or it wasn't. Those same State Commissions, however, reached the end of the procedural schedules and, as discussed by SWBT's Witness Dysart,

moved on to other collaborative processes to assist the Bell Operating Company ("BOC") in meeting the requirements.

6. Now that the Staff has had an opportunity to more fully review the Direct Testimony filed by SWBT and review other state's orders and proceedings, the Staff suggests that the MoPSC may want to revise the current procedural schedule by delaying the dates for filing of testimony and the February hearing dates, and adopt a process similar to the Texas Collaborative Process described by SWBT Witness Dysart that will establish quantitative performance measures for checklist issues.

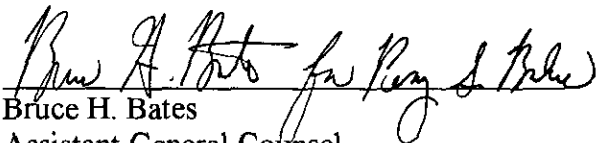
7. Proceeding with this type of process at the outset will provide more focus for this process and produce additional information and understanding that will move this proceeding to a conclusion in a more timely fashion. It is in the best interests of the MoPSC, SWBT and all the parties for the MoPSC review of SWBT's filing to be thorough and produce a well-documented record to aid the FCC in its deliberations.

8. In the alternative, if the MoPSC chooses not to alter the existing procedural schedule to accommodate the collaborative process, the Staff requests that the Commission consider an alternative hearing format (such as the witness panel approach suggested by SWBT in its November 20, 1998 filing) that would be more efficient and beneficial for considering the key issues in conjunction with the establishment of the collaborative process and timetable to develop quantitative measures. Witness panels can be organized by subject matter and questioning can be conducted so as to better present and summarize party positions on issues relevant to the 271 approval process. The hearing could be utilized to inform the Commission of the status and usefulness of efforts in other states to create such measures and permit discussion of proposals for ground rules and timetables for a Missouri Collaborative Process.

WHEREFORE, the Staff of the Missouri Public Service Commission respectfully requests that the Commission: 1) revise the procedural schedule adopted in its December 9, 1998 Order by delaying the filing of rebuttal and surrebuttal testimony and delaying the February hearing; 2) require the parties to meet as early as January 7, 1999 to exchange information and begin a collaborative process to adopt or develop quantitative performance measures that will assist the Commission in making its recommendation to the FCC. In the alternative, if the Commission chooses not to alter the current procedural schedule, the Staff requests that the Commission consider an alternative hearing format that would be more efficient and beneficial for considering the key issues, and serve as a springboard for initiating a collaborative process to adopt or develop quantitative performance measures for checklist issues.

Respectfully submitted,

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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 24th day of December, 1998.

Bruce A. Biele for Perry J. Biele

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