



September 19, 2002

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

FILED⁴

SEP 20 2002

Missouri Public
Service Commission

RE: Case No. TO-2001-440

Dear Judge Roberts:

Please accept this letter in response to the Commission's order of August 29, 2002 relating to the status *United States Telecom Ass'n v. Federal Communications Commission*.¹ It is the understanding of IP Communications of the Southwest ("IP") that the effect of the decision in that proceeding remains stayed. As such the positions of Staff and CLECs previously filed in this proceeding remain appropriate and correct.

Regarding the affect of the resolution on Case No. TO-2001-439 on this proceeding, it does not appear that the decision in Case No. TO-2001-439 in any way, except for one, affects this proceeding. The one issue affected is a proposed edit made by IP in this proceeding relating to the definition of "excessive bridged tap". That update in definition was made in TO-2001-439; therefore this particular edit proposed by IP in this proceeding does not require consideration.

Thank you for your consideration in this matter.

Sincerely,

IP Communications of the Southwest

Cc:
Counsel of Record

¹ 2002 WL 1040574, No. 00-1012, Slip opinion (D.C. Cir. May 24, 2002)("D.C. Circuit Slip Opinion").