

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

NuVox Communications of Missouri, Inc.,	)	
	)	
Complainant,	)	
v.	)	
	)	File No. CC-2009-0435
Southwestern Bell Communications Company	)	
d/b/a AT&T Missouri,	)	
	)	
Respondent.	)	

**STAFF REPORT**

COMES NOW the Staff of the Missouri Public Service Commission and for its report in this matter states as follows:

1. On June 5, 2009, NuVox Communications of Missouri, Inc. (“NuVox”) filed a complaint with the Commission against Southwestern Bell Communications Company d/b/a AT&T Missouri (“AT&T Missouri”). On June 9, 2009, the Commission issued its Notice of Complaint, wherein it required that the Commission Staff investigate the facts in this case and the contested issues set out in the pleadings, then file its findings with the Commission and serve copies on the other parties no later than July 20, 2009.

2. The Staff of the Commission has reviewed the matter and is unable to report findings of an investigation. Although this matter was filed as a complaint, the complaint process is used customarily in the context of a dispute between a consumer and a utility. This matter deals with the application and construction of an Interconnection Agreement previously approved by the Commission under 47 USC §252. Such matters are more commonly handled as arbitration matters before the Commission. While the Staff has made some inquiries in this case, the Staff opines that the issues in dispute will require extensive discovery and a hearing to be fairly and adequately aired.

3. In arbitration cases in which the Commission interprets or enforces previously approved interconnection agreements, the Staff usually serves in an advisory capacity to the Arbitrator. Although this case is not presented the same way procedurally, the Staff recommends that the Regulatory Law Judge assigned to this matter appoint or designate

Staff members to serve in such an advisory capacity, subject to the consent of the parties (which has been done on occasion in complaint cases between companies). The Staff has no position in this matter and does not intend to advocate for any position or either party.

WHEREFORE, the Staff respectfully requests that the Commission establish a schedule for discovery and hearing in this matter, and designate an advisory staff.

Respectfully submitted,



Colleen M. Dale  
Senior Counsel  
Missouri Bar No. 31624  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4255 (Telephone)  
[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17<sup>th</sup> day of July, 2009.

