



Commissioners
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Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>

August 7, 2001

WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENGER
Director, Utility Services
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Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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-2001-467

FILED³

AUG 07 2001

Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of **STAFF'S SECOND MOTION TO COMPEL DISCOVERY AND FOR WAIVER**.

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,

Wm K Haas

William K. Haas
Deputy General Counsel
(573) 751-7510
(573) 751-9285 (Fax)

WKH:sw
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
AUG 07 2001

Missouri Public
Service Commission

In the Matter of the Investigation of the)
State of Competition in the Exchanges of)
Southwestern Bell Telephone Company.)

Case No. TO-2001-467

STAFF'S SECOND MOTION TO COMPEL DISCOVERY AND FOR WAIVER

COMES NOW the Staff of the Missouri Public Service Commission and for its motion states:

1. On March 13, 2001, the Missouri Public Service Commission issued an Order which established this case for the purpose of investigating the state of competition in Southwestern Bell Telephone Company (SWBT) exchanges in accordance with § 392.245 RSMo 2000. The Order also made parties of SWBT and seventy (70) alternative local exchange telecommunications companies (ALECs) without the need for intervention.

2. On June 28, 2001, the Commission issued an Order that adopted a procedural schedule that included direct testimony by SWBT on June 28, 2001, rebuttal testimony on August 9, 2001, and a hearing for September 24-28, 2001.

3. On June 25, 2001, the Staff simultaneously delivered Data Information Request (DR) Nos. 2506 through 2514 to the 70 ALECs made parties to this case. Copies of these data requests are attached as Appendix A.

4. Commission Rule 4 CSR 240-2.090(2) provides, in part:

Parties may use data requests as a means for discovery. The party to whom data requests are presented shall answer the requests within twenty (20)

days after receipt unless otherwise agreed by the parties to the data requests. If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of its objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission.

5. Only 17 of the ALECs have now satisfactorily responded to these data requests.

Although, other ALECs have indicated that they will be responding, the Staff will, out of caution, seek an order compelling discovery that includes them.

6. XO Missouri, Inc., NuVox Communications of Missouri, Inc., Brooks Fiber Communications of Missouri, Inc., MCI WorldCom Communications, Inc., and MCI Metro Access Transmission Services, LLC, jointly objected to some of the data requests:

2506 – Objection, the request seeks information that is not recorded in the ordinary course of business and, therefore, composing a full response would be unduly burdensome and expensive. Subject to the objection, a response will be provided to the extent reasonably possible.

2510 – Objection, the request is vague in that it does not identify the SWBT services in question. Further, the request seeks legal conclusions and opinions, rather than factual information. Subject to the objection, a response will be provided to the extent reasonably possible.

2511 – Objection, the request seeks information that is not recorded in the ordinary course of business and, therefore, composing a full response would be unduly burdensome and expensive. Subject to the objection, a response will be provided to the extent reasonably possible.

2512 – Objection, the request seeks information that is not recorded in the ordinary course of business and, therefore, composing a full response would be unduly burdensome and expensive. Subject to the objection, a response will be provided to the extent reasonably possible.

2513 – Objection, the request seeks information that is not recorded in the ordinary course of business and, therefore, composing a full response would be unduly burdensome and expensive. Further, the information requested is irrelevant and not calculated to lead to the discovery of admissible evidence. Subject to the objection, a response may be provided to the extent reasonably possible.

XO has now answered all but DR No. 2513. NuVox (formerly Gabriel Communications) has not yet answered any of the data requests, nor has Brooks Fiber. MCI WorldCom has answered all but DR No. 2513. MCI Metro has not yet answered any of the data requests.

7. AT&T Communications of the Southwest, Inc., TCG Kansas City, Inc., and TCG St. Louis, Inc., also jointly objected to some of the data requests:

Data Request 2506

AT&T Communications of the Southwest, Inc. (AT&T), TCG Kansas City, Inc. (TCG-KC), and TCG St. Louis, Inc. (TCG-St. Louis) (collectively "the companies") object to this data request on the grounds that the companies do not keep the data in the format requested and the companies do not believe it would be impossible to compile the data in the format requested. The companies do not retain historic data by exchange and are unable to produce the requested information. Without waiving its objections, each company has provided customer counts annually in Alternative Basic Local Exchange Annual Reports submitted to the Missouri Public Service Commission.

Data Request 2510

AT&T, TCG-KC, TCG-St. Louis object to this data request on the grounds that this question is vague or ambiguous. AT&T does not know what Staff means by "substitutable" or "functionally equivalent." The companies further object because the question is overly broad and unduly burdensome as it would require a comparison of every SWBT offered service.

Data Request 2511

AT&T, TCG-KC TCG-St. Louis object to this data request on the grounds that the companies do not keep the data in the format requested nor do the companies maintain the data requested by exchange and are unable to produce the requested information. The companies also object on the basis that the data request does not ask for relevant data nor is it reasonably calculated to lead to other relevant evidence.

Without waiving any objections, TCG St. Louis and TCG-KC provides the book value of physical plant for the state of Missouri in the Alternative Basic Local Exchange Annual Reports submitted to the Missouri Public Service Commission. AT&T has not provided book value of physical plant for the state of Missouri in the Alternative Basic Local Exchange Annual Reports submitted to the Missouri Public Service Commission because AT&T does not maintain that data on a state specific level.

Data Request 2512

AT&T, TCG-KC TCG-St. Louis object to this data request on the grounds that the companies do not keep the data in the format requested. The companies do not maintain the data requested by exchange and are unable to produce the requested information. AT&T does not keep or maintain records on who AT&T's customers may migrate to.

Data Request 2513

AT&T, TCG-KC, TCG-St. Louis object to this data request on the grounds that the companies do not keep the data in the format requested nor do the companies maintain the data requested by exchange and are unable to produce the requested information. The companies also object on the basis that the data request does not ask for relevant data nor is it reasonably calculated to lead to other relevant evidence.

Data Request 2514

AT&T, TCG-KC, TCG-St. Louis object to this data request on the grounds that the companies do not keep the data in the format requested nor do the companies maintain the data requested by exchange and are unable to produce the requested information. Without waiving any objections, AT&T will attempt to respond at a state specific level.

AT&T has not answered any of the Staff's DR Nos. 2506-2514. TCG-KC has not answered any of the Staff's DR Nos. 2506-2514. TCG-St. Louis has not answered any of the Staff's DR Nos. 2506-2514.

8. Allegiance Telecom of Missouri has now answered all but DR No. 2512.
9. Teligent, Inc., answered some data requests but not DR Nos. 2507, 2508, 2509 and 2510.
10. The Pager Company answered some data requests but not DR Nos. 2507, 2508, 2509, 2510, 2512 and 2513.
11. Sprint answered some data requests. Its answer to DR No. 2506 directs the Staff to reference Sprint's response to DR 2501. This answer is not responsive. DR. No. 2501 asks:

Please use the attached form to supply the number of voice grade equivalent access lines in each SWBT Missouri exchange in which you offer local exchange service. Please provide the quantity of voice grade equivalent access lines for pure resale, UNE Loop, UNE-P, and full facility based lines in each exchange. Provide data for both residential and business end customers. Also, please provide the date on which you first began providing business and residential

service in each exchange. This data request may be downloaded from the Missouri Public Service Commission's Web site at <http://www.psc.state.mo.us/telecommunications-dr.asp>.

However, DR No. 2506 asks for the number of lines in service "on January 1st of each year" since the CLEC began to offer service, with residential and nonresidential customers counted separately.

12. Forty-seven other ALECs have failed to answer the data requests. Those 47 companies are listed on Appendix B, along with the six companies listed above that did not satisfactorily answer all of the data requests.

13. Section 392.245.5 RSMo provides, in part:

Each telecommunications service of an incumbent local exchange telecommunications company shall be classified as competitive in any exchange in which at least one alternative local exchange telecommunications company has been certified under section 392.455 and has provided basic local telecommunications service in that exchange for at least five years, unless the commission determines, after notice and a hearing, that effective competition does not exist in the exchange for such service.

14. Staff DR No. 2506 asks:

For each SWBT exchange in which you offer service to an end-user, please indicate the number of lines that you have had in service on January 1st of each year since you began to offer service. Count residential and nonresidential customers separately.

The requested information is relevant because Section 392.245.5 envisions an exchange-by-exchange review. Counting the number of lines on January 1 of each year will show trends, if any, in the development of competition in an exchange. Because an ALEC was first tariffed to provide service in SWBT's exchanges on December 31, 1996, this data request asks for, at maximum, only five annual counts. Most ALECs have been in operation 4 or fewer years.

15. Staff DR No. 2507 asks:

Under what circumstances would your firm decline a request from an end-user to provide basic local telecommunications service?

The requested information is relevant because it will give the Staff insight into why a company will avoid a given market segment (i.e., residential service). Understanding this will help determine whether a company is a real competitor to SWBT.

16. Staff DR No. 2508 asks:

Please identify any existing economic or regulatory barriers to entry or exit that your firm perceives as unduly onerous.

The requested information is relevant because one factor in determining effective competition is "existing economic or regulatory barriers to entry." Section 386.020(13)(d) RSMo.

17. Staff DR No. 2509 asks:

Has SWBT's Local Plus service affected your decision to provide service in Missouri? If yes, explain.

Local Plus is an optional one-way flat-rate calling service available to residential and business customers. For a fixed monthly rate additive, Local Plus subscribers can place unlimited calls within the LATA. The requested information is relevant because it will help Staff create an objective measure of how competitive SWBT is in the intraLATA market.

18. Staff DR No. 2510 asks:

Do you consider your services to be substitutable for those services offered by SWBT and if so, are those services functionally equivalent? If yes, please explain.

The requested information is relevant because one factor in determining effective competition is "the extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions." Section 386.02(13)(b) RSMo. The request is not vague, nor does it seek legal conclusions and opinions. First, Section 392.245.5 envisions a service-by-service review. Second, whether a CLEC's services are "substitutable"

and "functionally equivalent" to SWBT's services are factual questions based upon a knowledge of such services.

19. Staff DR No. 2511 asks:

For facilities based CLECs (including those providing service under UNE-P), indicate the book value of your physical plant on a state-wide basis on December 31st for the years 1997, 1998, 1999, and 2000.

The requested information is relevant because if a competitive market is profitable it will attract investment capital. Staff is hoping to identify whether or not an investment trend exists and if this is an approach requiring further study.

20. Staff DR No. 2512 asks:

For CLECs, by SWBT exchange, indicate the number of lines per calendar year that you have lost to:

- i. SWBT,
- ii. All other CLECs (combined total),
- iii. Or, if i and ii are unknown, indicate the total.

The requested information is relevant because it will provide information as to whether or not new customers are being created or if market share is being traded.

21. Staff DR No. 2513 asks:

By SWBT exchange, for each year since your firm began serving end-users, list the number of complaints for poor or delayed service made against your firm by your end-users and identify the number of those complaints that are unresolved. Provide this information on an annual basis and use December 31st of each year as a cut-off date.

The requested information is relevant because in a competitive market, quality of service would be expected to increase, which could be indicated by a decrease in complaints.

22. Staff DR No. 2514 asks:

Identify those SWBT exchanges in which your firm does business but considers unprofitable.

The requested information is relevant because it may indicate the likelihood of a firm continuing to do business in Missouri.

23. It is not burdensome for an ALEC to provide this information exchange-by-exchange. The geographic area in which an ALEC offers service must follow the exchange boundaries of the incumbent local exchange company (here SWBT) and be no smaller than an exchange. See, § 392.455(3) RSMo 2000. Moreover, Section 392.450.2(1) RSMo requires ALECs to file and maintain tariffs with the Commission in the same manner and form as the Commission requires of the incumbent local exchange company (again, SWBT). These ALECs' tariffs state that they provide service within SWBT's exchanges. For example, Sheet 21 of 1-800-Reconex's basic local telecommunications tariff lists out the SWBT exchanges to describe its service areas. Central office codes (also known as NXXs or prefixes), the second three digits in a ten digit telephone number, are assigned to an exchange or to a rate center within an exchange. An ALEC can simply use the knowledge of its customers' NXXs to answer this data request, if it is not keeping records by exchange.

Following discussions with some ALECs, Staff learned that some ALECs were having difficulty sorting its customers by exchange. Although the Staff cannot accept that carriers do not know in which exchanges their customers are located, in an effort to assist the ALECs, the Staff has posted on the Commission's Web site a listing of Missouri NPA NXXs which references all Missouri exchanges according to NPA NXX. Assuming, arguendo, that carriers do not know in which exchanges their customers are assigned, the Staff believes its listing of Missouri NPA NXXs can be utilized by ALECs to fully comply with Staff's Data Requests.

24. DR No. 2510 is not vague or ambiguous. The terms “substitutable” or “functionally equivalent” were drawn from the statutory definition of “effective competition.” Section 386.020(13) RSMo provides, in relevant part, that “effective competition” shall be determined by the Commission based on “(b) the extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions.” Statutory terms are considered in their plain and ordinary and usual sense. *Fidelity Security Life Insurance Co. v. Director of Revenue*, 32 S.W.2d 527, 528-29 (Mo. banc 2000).

25. Commission Rule 4 CSR 240-2.090(8) provides:

Except when authorized by an order of the commission, the commission will not entertain any discovery motions, until the following requirements have been satisfied:

(A) Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion; and

(B) If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the commission for an immediate telephone conference with the presiding officer and opposing counsel. No written discovery motion shall be filed until this telephone conference has been held.

26. Commission Rule 4 CSR 240-2.015 provides that a rule in Chapter 2 may be waived by the Commission for good cause. Commission Rule 4 CSR 240-2.060(14) adds that an application for a waiver from a commission rule shall contain information as follows:

- (A) Specific indication of the statute, rule or tariff from which the variance or waiver is sought;
- (B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and
- (C) The name of any public utility affected by the variance or waiver.

27. The Staff requests a waiver of Commission Rule 4 CSR 240-2.090(8). The reasons for the proposed waiver and a complete justification setting out the good cause for the waiver follow: Compliance with this rule would require Staff counsel to consult with opposing counsel for 53 ALECs. Forty-one of these ALECs are not represented by counsel in this proceeding. Compliance with this rule would then require the presiding officer to confer with Staff counsel and these opposing counsel. Furthermore, these data requests are not party-specific. They request the same information in the same format from all 70 ALECs made parties to this case. A complete, as possible, tabulation of the extent of competition in SWBT's exchanges does not lend itself to the Staff conferring away some ALECs' duty to provide this information. A complete, as possible, tabulation of the extent of competition in SWBT's exchanges calls for a single ruling by the Commission compelling the remaining ALECs to answer Staff Data Request Nos. 2506 through 2514. The ALECs named in Appendix B would be affected by the waiver.

WHEREFORE, the Staff requests the Commission to issue an order compelling the ALECs listed in Appendix B to fully answer Staff Data Request Nos. 2506 through 2514, and granting a waiver of Commission Rule 4 CSR 240-2.090(8).

Respectfully submitted,

DANA K. JOYCE
General Counsel

Wm K Haas
William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7510 (Telephone)
(573) 751-9285 (Fax)
e-mail: whaas01@mail.state.mo.us

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 7th day of August 2001.

Wm K Haas

DATA INFORMATION REQUEST
Southwestern Bell Telephone

TO-2001-467

REQUESTED FROM: CLECs a party to Case No. TO-2001-467

DATE REQUESTED: 6/25/01

INFORMATION REQUESTED: For each SWBT exchange in which you offer service to an end-user, please indicate the number of lines that you have had in service on January 1st of each year since you began to offer service. Count residential and nonresidential customers separately.

HOW TO FILE A RESPONSE TO THIS DATA REQUEST

Please complete the electronic version of the form, which can be downloaded to your local drive from the Commission's website at the following address: <http://www.psc.state.mo.us/telecommunications-dr.asp>. Once completed, please e-mail the form to mschwartz@mail.state.mo.us no later than July 16, 2001.

REQUESTED BY: Walt Cecil

INFORMATION PROVIDED

[illegible]

The attached information provided to the Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. TO-2001-467 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the _____, _____, _____ office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to _____ and its employees, contractors, agents or others employed by or acting in its behalf.

Signed by:

Date Response Received: _____

Prepared by:

DATA INFORMATION REQUEST
Southwestern Bell Telephone

TO-2001-467

REQUESTED FROM: CLECs a part of Case No. TO-2001-467

DATE REQUESTED: 6/25/01

INFORMATION REQUESTED: Under what circumstances would your firm decline a request from an end-user to provide basic local telecommunications service?

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TO-2001-467

REQUESTED FROM: CLECs a part of Case No. TO-2001-467**DATE REQUESTED:** 6/25/01**INFORMATION REQUESTED:** Has SWBT's Local Plus service affected your decision to provide service in Missouri? If yes, explain.**HOW TO FILE A RESPONSE TO THIS DATA REQUEST**

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- i. SWBT,
- ii. All other CLECs (combined total),
- iii. Or, if i and ii are unknown, indicate the total.

Do not include lines disconnected due to nonpayment.

HOW TO FILE A RESPONSE TO THIS DATA REQUEST

Please complete the electronic version of the form, which can be downloaded to your local drive from the Commission's website at the following address: <http://www.psc.state.mo.us/telecommunications-dr.asp>. Once completed, please e-mail the form to mschwartz@mail.state.mo.us no later than July 16, 2001.

REQUESTED BY: Walt Cecil**INFORMATION PROVIDED**

The attached information provided to the Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. TO-2001-467 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the _____, _____ office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to _____ and its employees, contractors, agents or others employed by or acting in its behalf.

Signed by: _____

Date Response Received: _____

Prepared by: _____

DATA INFORMATION REQUEST
Southwestern Bell Telephone

TO-2001-467

REQUESTED FROM: CLECs a part of Case No. TO-2001-467**DATE REQUESTED:** 6/25/01

INFORMATION REQUESTED: By SWBT exchange, for each year since your firm began serving end-users, list the number of complaints for poor or delayed service made against your firm by your end-users and identify the number of those complaints that are unresolved. Provide this information on an annual basis and use December 31st of each year as a cut-off date.

HOW TO FILE A RESPONSE TO THIS DATA REQUEST

Please complete the electronic version of the form, which can be downloaded to your local drive from the Commission's website at the following address: <http://www.psc.state.mo.us/telecommunications-dr.asp>. Once completed, please e-mail the form to mschwartz@mail.state.mo.us no later than July 16, 2001.

REQUESTED BY: Walt Cecil**INFORMATION PROVIDED**

The attached information provided to the Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. TO-2001-467 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the _____, _____, _____ office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to _____ and its employees, contractors, agents or others employed by or acting in its behalf.

Signed by: _____

Date Response Received: _____

Prepared by: _____

DATA INFORMATION REQUEST
Southwestern Bell Telephone

TO-2001-467

REQUESTED FROM: CLECs a part of Case No. TO-2001-467

DATE REQUESTED: 6/25/01

INFORMATION REQUESTED: Identify those SWBT exchanges in which your firm does business but considers unprofitable.

HOW TO FILE A RESPONSE TO THIS DATA REQUEST

Please complete the electronic version of the form, which can be downloaded to your local drive from the Commission's website at the following address: <http://www.psc.state.mo.us/telecommunications-dr.asp>. Once completed, please e-mail the form to dhake01@mail.state.mo.us no later than July 5, 2001.

REQUESTED BY: Walt Cecil

INFORMATION PROVIDED

[illegible]

The attached information provided to the Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. TO-2001-467 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the _____, _____, _____ office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to _____ and its employees, contractors, agents or others employed by or acting in its behalf.

Signed by: _____

Date Response Received:

Prepared by: _____

**APPENDIX B
STAFF'S SECOND MOTION TO COMPEL**

2nd Century Communications, Inc.

AccuTel of Texas, Inc.

Adelphia Business Solutions

Allegiance Telecom of Missouri¹

American Communications Services of K.C., Inc.

AT&T Communications of the Southwest, Inc.

Birch Telecom of Missouri, Inc.

Brooks Fiber Communications of Missouri, Inc.

BTI

Camarato Distributing, Inc.

Central Missouri Telecommunications, Inc.

Cierra Network Systems, Inc.

Computer Business Sciences, Inc. (IG2)

The Cube

Delta Phones, Inc.

DMJ Communications, Inc.

EZ Talk Communications, LLC

Gabriel Communications of Missouri, Inc. (now NuVox)

Global Crossing Local Services

Global Crossing Telemanagement, Inc.

KMC Telecom III, Inc.

LDD, Inc.

¹ See paragraph 8 of Staff's Motion.

Logix Communications Corporation

Maxcom, Inc.

Max-Tel Communications, Inc.

MCImetro Access Transmission Services, LLC

MCI Worldcom Communications, Inc.²

McLeodUSA

Missouri Comm South, Inc.

Missouri Telecom, Inc.

Net-Tel Communications Corporation

NOW Communications, Inc.

The Pager Company³

Payroll Advance

Phones for All

Primary Network Communications (a/k/a Broadspan Communications, Inc., now Mpower Communications Central Corp.)

QCC, Inc.

Quick-Tel Communications

Quintelco, Inc.

Ren-Tel Communications

Simply Local Services, Inc.

Smoke Signal Communications

Snappy Phone

Southwest Teleconnect

² See paragraph 6 of Staff's Motion.

³ See paragraph 10 of Staff's Motion.

Sprint Communications Company, L.P.⁴

TCG Kansas City

TCG St. Louis

Tel Com Plus

Teligent, Inc.⁵

Tel-Link

Universal Telephone

U.S. Telco, Inc.

Winstar Wireless, Inc.

WorkNet Communications, Inc.

XO Missouri, Inc.⁶

⁴ See paragraph 11 of Staff's Motion.

⁵ See paragraph 9 of Staff's Motion.

⁶ See paragraph 6 of Staff's Motion.

Service List for
Case No. TO-2001-467
Revised: August 7, 2001 (SW)

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Carl J. Lumley
Curtis, Oetting, Heinz, Garrett & Soule
130 S. Bemiston, Suite 200
Clayton, MO 63105

Thomas R. Parker
Verizon
601 Monroe Street, Suite 304
Jefferson City, MO 65101

Sheldon K. Stock
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, MO 63102-1774

Paul S. DeFord
Lathrop & Gage, L.C.
2345 Grand Boulevard
Kansas City, MO 64108

Mary Ann Young
William D. Steinmeier, P.C.
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595

Paul Lane/Anthony K. Conroy
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101

Lisa Cole Chase
Andereck, Evans, Milne, Peace & Johnson
700 East Capitol
P.O. Box 1438
Jefferson City, MO 65102-1438

Kevin K. Zarling
AT&T Communications of the
Southwest, Inc.
919 Congress, Suite 900
Austin, TX 78701

David J. Stueven
IP Communications Corporation
6405 Metcalf, Suite 120
Overland Park, KS 66202

Michael C. Sloan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NE, Suite 300
Washington, DC 20007-5116

Carol Keith
NuVox Communications of Missouri, Inc.
16090 Swingley Ridge Road, Suite 500
Chesterfield, MO 63017

Cathleen A. Martin, Esq.
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
Jefferson City, MO 65101

Paul H. Gardner
Goller, Gardner & Feather
131 East High Street
Jefferson City, MO 65101

1-800-Reconex, Inc.
(f/k/a Sterling International Funding, Inc.,
d/b/a Reconex)
P.O. Box 40
2500 Industrial Avenue
Hubbard, OR 97032

AccuTel of Texas, Inc.
7900 John W. Carpenter Freeway
Dallas, TX 75247

Allegiance Telecom of Missouri
1950 Stemmons Freeway, Suite 3026
Dallas, TX 75207-3118

American Communication Services of Kansas
City, Inc.
131 National Business Parkway,
Suite 100
Annapolis Junction, MD 20701

BarTel Communications, Inc.
333 Leffingwell, Suite 101
St. Louis, MO 63122

Brooks Fiber Communications of Missouri, Inc.
701 Brazos, Suite 600
Austin, TX 78701

Buy-Tel Communications, Inc.
6409 Colleyville Boulevard
Colleyville, TX 76034

2nd Century Communications, Inc.
Suite 50
7702 Woodland Center Boulevard
Tampa, FL 33614

Adelphia Business Solutions Operations, Inc.
121 Champion Way
Canonsburg, PA 15317

ALLTEL Communications, Inc.
One ALLIED Drive
P.O. Box 2177
Little Rock, AR 72203

AT&T Communications of the Southwest, Inc.
101 West McCarty, Suite 216
Jefferson City, MO 65101

Birch Telecom of Missouri, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108

BTI
(Business Telecom, Inc.)
4300 Six Forks Road, Suite 500
Raleigh, North Carolina 27609

Camarato Distributing, Inc.
P.O. Box 638
Herrin, Illinois 62948

Central Missouri Telecommunications, Inc.
P.O. Box 596
Osage Beach, Missouri 65065

Ciera Network Systems, Inc.
2630 Fountainview, Suite 300
Houston, Texas 77057

Computer Business Sciences, Inc.
80-02 Kew Gardens Road, Suite 5000
Kew Gardens, NY 11415

The Cube
(Tin Can Communications Company, L.L.C.)
1063 Wirt Road, Suite 202
Houston, TX 77005

Delta Phones, Inc.
P.O. Box 784
245 Illinois St.
Delhi, LA 71232

DMJ Communications, Inc.
2525 North Grandview, Suite 900
Odessa, TX 79761

dPi-Teleconnect, L.L.C.
2997 LBJ Freeway, Suite 225
Dallas, TX 75234

EZ Talk Communications, L.L.C.
4727 South Main
Stafford, TX 74777

Gabriel Communications of Missouri, Inc.
16090 Swingley Ridge Road
Chesterfield, MO 63017

Global Crossing Local Services, Inc.
(Formerly Frontier Local Services, Inc.)
2710 Executive Drive
Green Bay, WI 54307

Global Crossing Telemanagement, Inc.
(Formerly Frontier Telemanagement, Inc.)
2710 Executive Drive
Green Bay, WI 54307

HJN Telecom, Inc.
3235 Satellite Blvd. Building 400, Suite 300
Duluth, GA 30096

Intermedia Communications, Inc.
1 Intermedia Way
M.C. FLT-HQ3
Tampa, FL 33647-1752

Ionex Communications, Inc.
5710 LBJ Freeway, Suite 215
Dallas, TX 75240

KMC Telecom III, Inc.
3075 Breckinridge Blvd., Suite 415
Duluth, GA 30096

LDD, Inc.
24 South Minnesota
Cape Girardeau, Missouri 63702

Level 3 Communications, LLC
1450 Infinite Drive
Louisville, CO 80027

Logix Communications Corporation
(Formerly Dobson Wireless, Inc.)
14101 Wireless Way
Oklahoma City, OK 73134

Maxcom, Inc.
10647 Widmer Road
Lenexa, KS 66215

Max-Tel Communications, Inc.
P.O. Box 280
102 W. Franklin
Alvord, TX 76225

MCImetro Access Transmission Services, LLC
701 Brazos, Suite 600
Austin, TX 78701

Stephen F. Morris
MCI Worldcom Communications, Inc.
(Worldcom, Inc.)
701 Brazos, Suite 600
Austin, TX 78701

Bradley R. Kruse
McLeodUSA Telecommunications Services, Inc.
P. O. Box 3177
Cedar Rapids, IA 52406-3177

Missouri Comm South, Inc.
(Comm South Companies, Inc.)
2909 Buckner Blvd., Ste 800
Dallas, TX 75228

Missouri Telecom, Inc.
P.O. Box 419
515 Cleveland, Suite C
Monett, MO 65708

Mpower Communications Corp.
ATTN: Laurie Adamski
175 Sully's Trail, Suite 300
Pittsford, NY 14534

Navigator Telecommunications, L.L.C.
P.O. Box 13860
8525 Riverwood Park Drive
North Little Rock, AR 72113-0860

Net-Tel Communications Corporation
(Net-Tel Corporation)
1023 31st Street, NW
Washington, D.C. 20007

NOW Communications, Inc.
713 Country Place Drive
Jackson, MS 39208

Omniplex Communications Group, LLC
(Formerly USA eXchange, LLC)
17 Research Park Drive
St. Charles, MO 63304

The Pager Company
3030 East Truman Road
Kansas City, MO 64127

Payroll Advance
808 South Baker
Mountain Home, AR 72643

Phones for All
(Teléfonos Para Todos)
Preferred Carrier Services, Inc.
1425 Greenway, Suite 210
Irving, Texas 75038

Mpower Communications Central Corp.
175 Sully's Trail, Ste. 300
Pittsford, NY 14534

QCC, Inc.
(Formerly Quest Communications Corporation)
8829 Bond Street
Overland Park, KS 66214

Quick-Tel Communications, Inc.
P.O. Box 196
456 W Rock Island
Boyd, Texas 76023

Quintelco, Inc.
1 Blue Hill Plaza
Pearl River, NY 10965

Qwest Communications Corporation
(USLD Communications, Inc.)
4250 N. Fairfax Drive, 12W002
Arlington, VA 22203

Ren-Tel Communications, Inc.
7337 S. Mitchell Ct.
Villa Rica, GA 30180

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

Smoke Signal Communications
(Choctaw Communications, L.C.)
8400 South Gessner
Houston, Texas 77074

Snappy Phone
P.O. Box 29620
6901 West 70th Street
Shreveport, LA 71129

SouthWest TeleConnect
7000 Cameron Road, Suite 200
Austin, TX 78752-2828

Lisa Creighton Hendricks
Sprint Communications Company, L.P.
Mail Stop KSOPKJ0502
5454 West 110th Street
Overland Park, KS 66211

Suretel, Inc.
5 North McCormick
Oklahoma City, OK 73127

TCG Kansas City, Inc.
Teleport Communications Group
Two Teleport Drive
Staten Island, NY 10311

TCG St. Louis
Two Teleport Drive, Suite 300
Staten Island, NY 10311

Tel Com Plus
(United States Telecommunications, Inc.)
5251 110th Avenue, North, Suite 118
Clearwater, FL 33760-4837

Teligent, Inc.
8065 Leesburg Pike, Suite 400
Vienna, VA 22182

Tel-Link, L.L.C.
1001 Third Avenue West, Suite 354
Bradenton, FL 34205

TranStar Communications
P.O. Box 211807
Bedford, TX 76095

Universal Telephone
2405 E. Pawnee, Suite 10
Wichita, KS 67211-5455

U.S. Telco, Inc.
P.O. Box 606
Wilsonville, OR 97070

Winstar Wireless, Inc.
1615 L Street, NW, Suite 1260
Washington DC 20036

WorkNet Communications Inc.
7777 Bonhomme Avenue, Suite 2000
St. Louis, MO 63105

XO Missouri, Inc.
(f/k/a Nextlink Missouri, Inc.)
2020 Westport Center Drive
Maryland Heights, MO 63146