

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

NuVox Communications of Missouri, Inc.,)

Complainant,)

vs.)

Case No. CC-2009-0435

Southwestern Bell Telephone)

Company d/b/a AT&T Missouri,)

Respondent.)

STAFF RESPONSE TO STIPULATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Response To Stipulation* respectfully states to the Missouri Public Service Commission the following:

1. On June 5, 2009, NuVox Communications of Missouri, Inc., (“NuVox”) filed a *Complaint* against Southwestern Bell Telephone Company d/b/a AT&T Missouri (“AT&T Missouri”), which requested as relief a Commission finding that AT&T Missouri charged NuVox unauthorized costs under the parties’ interconnection agreement for purported cross-connects between loop and transport elements of enhanced extended links.

2. On August 6, 2009, the Commission convened a prehearing conference. The Commission’s August 6, 2009 *Order Directing Filing* stated that at the prehearing conference, the Commission directed the parties to respond in a structured fashion, and further directed Nuvox and AT&T Missouri to jointly prepare and file a stipulation of all undisputed material facts. On September 30, 2009, Nuvox and AT&T filed the requested *Stipulation*.

3. 4 CSR 240-2.115 (2)(B) states “[e]ach party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement.” Subsection (E) states “[a] party may indicate that it does not oppose all or part of a nonunanimous stipulation and agreement.”

4. Staff hereby states that it did not participate in the preparation of the *Stipulation*, does not possess any information contrary to that within the *Stipulation*, and does not oppose the filing by the parties to the *Stipulation*.

WHEREFORE, the Staff submits its *Response To Stipulation*.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez
Staff Legal Counsel
Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was served via electronic mail on Carl J. Lumley, Attorney for Nuvox Communications of Missouri, Inc., at clumley@lawfirmemail.com ; Robert J. Gryzmala and Leo J. Bub, Attorneys for Southwestern Bell Telephone Company, d/b/a AT&T Missouri, at robert.gryzmala@att.com ; and The Office of Public Counsel of the State of Missouri, at opcservice@ded.mo.gov this 5th day of October, 2009.

/s/ Jennifer Hernandez