

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

In the Matter of a Request for the Modification        )  
of the Springfield Metropolitan Calling Area Plan    )  
to Make the Ozark Exchange a Mandatory MCA        )  
Tier 1 Exchange.    )

Case No. TO-2005-0143

**SOUTHWESTERN BELL TELEPHONE, L.P., D/B/A SBC MISSOURI'S  
MOTION TO DISMISS OFFICE OF THE PUBLIC COUNSEL'S REQUEST TO  
MODIFY THE SPRINGFIELD CALLING AREA PLAN TO  
INCLUDE OZARK IN THE MANDATORY TIER 1**

Comes now Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") and, for its Motion to Dismiss Office of the Public Counsel's ("OPC") Request to Modify the Springfield Calling Area Plan to Include Ozark in the Mandatory Tier 1, states as follows:

1. On November 22, 2004, OPC filed its Request to Modify the Springfield Calling Area Plan to Include Ozark in the Mandatory Tier 1 ("Request"). In its Request, OPC requests the Missouri Public Service Commission ("Commission") to modify the Springfield Metropolitan Calling Area Plan to change the Ozark exchange from an optional Tier 3 exchange to a mandatory Tier 1 exchange.

2. SBC Missouri respectfully requests the Commission to dismiss OPC's Request for two reasons.

a. First, OPC's Request is an issue at least part of which is currently pending in at least two docketed cases. Specifically, OPC's Request is pending in: (1) In the Matter of a Further Investigation of the Metropolitan Calling Area Service After the Passage and Implementation of the Telecommunications Act of 1996, Case No. TO-2001-391; and (2) In the Matter of a Commission Inquiry into the Metropolitan Calling Area Plan and Calling Scopes in Missouri, Case No. TW-2004-0471. It is not appropriate for this same issue to be considered in multiple concurrent proceedings.

b. Second, OPC's Request is premature. On March 18, 2004, the Commission issued its Order Directing Notice and Establishing Working Group, In the Matter of a Commission Inquiry into the Metropolitan Calling Area Plan and Calling Scopes in General, Case No. TW-2004-0471 ("Order Directing Notice"). In its Order Directing Notice, the Commission indicated that it was establishing a Task Force to investigate and consider whether the MCA Plan, and calling scopes in general, should be amended, and if so, how.<sup>1</sup> On May 25, 2005, the Commission issued its Order Appointing Task Force Members and Scheduling Meeting ("Order Appointing Task Force Members").<sup>2</sup> In its Order Appointing Task Force Members, the Commission indicated: "Task Force members shall be responsible for filing periodic status reports and a Final Report and Recommendation to the Commission."<sup>3</sup> The Task Force met on June 15<sup>th</sup>, June 24<sup>th</sup>, July 7<sup>th</sup>, July 21<sup>st</sup>, and September 15<sup>th</sup>.<sup>4</sup> On September 29<sup>th</sup>, the Staff of the Missouri Public Service Commission ("Staff"), on behalf of the Task Force, submitted the Final Report and Recommendation of the Task Force ("Final Report"). In its Final Report, the Task Force recognized that there is a demand for new toll-free expanded calling plans within certain consumer communities of interest and there is a demand for changes to existing calling plans.<sup>5</sup> The Task Force outlined methods of identifying these demands and recommended rules and a process for the Commission to adopt as a means to consider and address this demand for these consumers and for consumers in the future.<sup>6</sup> To date, the Commission has not considered the Task Force recommendations, including the recommendation that previously filed petitions for

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<sup>1</sup> See Order Directing Notice, Case No. TW-2004-0471, p. 3.

<sup>2</sup> See Order Appointing Task Force Members, Case No. TW-2004-0471, page 1.

<sup>3</sup> See Order Appointing Task Force Members, Case No. TW-2004-0471, page 1.

<sup>4</sup> See MCA/Calling Scope Task Force Final Report, Case No. TW-2004-0471, p. 1.

<sup>5</sup> Id. at p. 2.

<sup>6</sup> Id. at p. 2.

proposed modifications to the MCA be taken up and considered as filed petitions under the process proposed by the Task Force. The Commission should first consider the Task Force recommendations before considering this Request.

Wherefore, SBC Missouri prays that the Missouri Public Service Commission grants its Motion to Dismiss Request for the Modification of The Springfield Metropolitan Calling Area Plan to Make the Ozark Exchange a Mandatory MCA Tier 1 Exchange, together with any additional relief the Commission deems just and proper.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

By: 

PAUL G. LANE	#27011
LEO J. BUB	#34326
ROBERT J. GRYZMALA	#32454
MIMI B. MACDONALD	#37606

Attorneys for Southwestern Bell Telephone, L.P.  
One SBC Center, Room 3510  
St. Louis, Missouri 63101  
314-235-4094 (Telephone)/314-247-0014 (Facsimile)  
[mimi.macdonald@sbccom](mailto:mimi.macdonald@sbccom) (E-Mail)

### **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties via e-mail on December 2, 2004.

  
Mimi B. MacDonald

Dana K Joyce  
P.O. Box 360  
200 Madison Street, Suite 800  
Jefferson City, MO 65102

John B Coffman  
P.O. Box 2230  
200 Madison Street, Suite 650  
Jefferson City, MO 65102

Michael F Dandino  
Office of the Public Counsel  
200 Madison Street, Suite 650  
P O Box 2230  
Jefferson City, MO 65102