

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

In the Matter of a Request for the)
Modification of the Kansas City)
Metropolitan Calling Area Plan to Make)
the Greenwood Exchange Part of the)
Mandatory MCA Tier 2.)

Case No. TO-2005-0144

MOTION TO SUSPEND FILING REQUIREMENT

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission suspend its directive that the parties file a proposed procedural schedule. The Commission issued this directive in its *Order Denying Motion to Dismiss and Order Directing Filing* of August 23, 2005. In lieu of this filing, Staff moves that the Commission direct the parties to file a status report in this case on November 10, 2005. In support of its motion, Staff states:

1. On November 22, 2004, the Office of the Public Counsel (OPC) filed a request that the Commission consider modifying the Kansas City Metropolitan Calling Area Plan to make the Greenwood exchange part of the mandatory MCA Tier 2. Subsequently, several parties intervened and a series of filings and conferences have taken place. On April 29, 2005 OPC filed its *Final Recommendation*, and the Commission then directed affected telecommunications carriers to file illustrative tariff sheets. The carriers made these filings.

2. In August 2005, at the same time the Commission rejected Southwestern Bell Telephone, L.P. d/b/a SBC Missouri's most recent request for this matter to be dismissed, the Commission also directed the parties to this case to jointly or separately file a proposed procedural schedule that includes an evidentiary hearing and local public comment hearings, if

desired. See *Order Denying Motion to Dismiss and Order Directing Filing* (August 23, 2005) at 8.

3. The primary issue in this case is the reclassification of the Greenwood exchange from a Tier 3 exchange to a Tier 2 exchange in the Kansas City Metropolitan Calling Area. If the pending request in this case is approved, existing Greenwood MCA subscribers would no longer have to pay an additional charge for the optional MCA service, MCA service would become a mandatory service in the Greenwood exchange, and current nonsubscribers will be required to pay for MCA service.

4. Since OPC initially filed this case, the Missouri Legislature passed legislation amending Section 392.245.5 RSMo. As soon as that legislation went into effect in August 2005, SBC Missouri filed a *Petition for Competitive Classification* now designated as Case No. TO-2006-0093. As part of that request, SBC Missouri requested the Missouri Public Service Commission (“Commission”) to:

A. Within 30 days, classify the business services in SBC Missouri’s exchanges identified in Exhibit A-1(HC), and the residential services in SBC Missouri’s exchanges identified in Exhibit A-2(HC) as competitive, resulting in competitive status for: 51 of 160 exchanges for business services; 28 of 160 exchanges for residential services.

B. Within 60 days, to classify the business services in SBC Missouri’s exchanges identified in Exhibit B-1(HC), and the residential services in SBC Missouri’s exchanges identified in Exhibit B-2(HC) as competitive, resulting in competitive status for an additional: 26 exchanges for business services; 49 exchanges for residential services.

See *Petition for Competitive Classification* (August 30, 2005) at 1. Although the exact nature of the competition is highly confidential, the Greenwood exchange is included in an exhibit reflecting the exchanges SBC Missouri has requested the Commission to classify as competitive.

5. If the Commission grants this classification to the Greenwood exchange, as a part of this classification, the Commission may no longer be able to set the rates charged for calls.

6. Under the terms of Section 392.245.5 RSMo. (as amended in 2005), the Commission is to rule upon the request for classification to competitive status on either a 30-day track or a 60-day track, depending on the support for the request. The determinations on a 60-day track are now being considered in Case No. TO-2006-0102, and the determinations on a 30-day track remain in Case No. TO-2006-0093. Accordingly, determinations under these cases should be complete by approximately November 1, 2005.

7. If the Commission grants the competitive classifications sought by SBC Missouri in Case Nos. TO-2006-0093 and TO-2006-0102, the Commission may no longer have the authority to set the rates that are at issue in this case governing the Greenwood exchange within the Kansas City MCA. If the Commission does not grant the competitive classifications, the Commission will retain that authority.

8. Thus, Staff recommends that the Commission suspend its directive that the parties file proposed procedural schedules until after the expiration of the longer, 60-day time period that is currently running in Case No. TO-2006-0102. Staff recommends that the parties be directed to file a status report on November 10, 2005 to reflect their opinion at that time whether this case should remain open and proceed or if it should be closed.

WHEREFORE, the Staff requests that the Commission suspend the requirement that the parties to this case file proposed procedural schedules at this time, and direct the parties to file a status report to address the status of this case on November 10, 2005.

Respectfully submitted,

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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 7th day of September 2005.

/s/ David A. Meyer