

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

Duke Manufacturing Co.,)	
)	
Complainant,)	
v.)	
)	Case No. TC-2008-0191
McLeodUSA Telecommunications Services, Inc.,)	
)	
Respondent.)	

**STAFF’S MOTION TO JOIN
AT&T MISSOURI AS A PARTY**

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

1. Duke Manufacturing Co. (“Duke”) filed a Complaint against Respondent McLeodUSA Telecommunications Services, Inc. (“McLeod”) on December 11, 2007. Exhibit 1 attached to the Complaint lists nearly 100 contacts concerning approximately 15 service issues between Duke and McLeod going back over a two-year period.

2. McLeod’s Answer generally denies that McLeod has violated the standards of adequate, just and reasonable service, and asserts that the majority of the service issues relate to the condition of several access loops provided by AT&T Missouri.

3. For purposes of this motion, the Staff assumes but does not concede the validity of McLeod’s assertion that a majority of the service issues relate to the condition of several access loops provided by AT&T Missouri. Accordingly, the Staff suggests that AT&T Missouri should be joined in this action because in AT&T’s absence complete relief cannot be accorded among those already parties and because AT&T Missouri has an interest relating to the subject

of the action and is so situated that disposition of the action in AT&T Missouri's absence may as a practical matter impair or impede AT&T Missouri's ability to protect that interest.¹

In short, if any of Duke's service issues relate to the condition of access loops provided by AT&T Missouri, the Commission will be unable to order the repair of those access loops in this case in AT&T Missouri's absence. Further, a finding - - made in AT&T Missouri's absence - - that Duke's service issues are related to the condition of access loops provided by AT&T Missouri may impair or impede AT&T Missouri's ability to protect its interest.

WHEREFORE, the Staff requests the Commission to join AT&T Missouri as a party.

Respectfully submitted,

/s/ William K. Haas

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¹ This motion is based on Mo. S. Ct. Rule 52.04.

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 and to the following this 1st day of February 2008.

/s/ William K. Haas

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