

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

Nexus Communications, Inc.,	)	
	)	
Complainant,	)	
	)	
vs.	)	<b>File No. TC-2011-0240</b>
	)	
Southwestern Bell Telephone Company d/b/a	)	
AT&T Missouri,	)	
	)	
Respondent.	)	

**STAFF POSITION STATEMENT**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and respectfully states its position as follows:

1. Section 386.390 RSMo provides that any corporation or person may file a complaint with the Commission concerning any act or omission alleged to be unlawful or in contravention of a Commission rule or order. Subsection 5 provides that the Commission shall set a hearing on at least ten day’s notice, unless the public necessity requires that the hearing be held at an earlier date.

2. Section 252 of the Telecommunications Act of 1996 provides that State Commissions have broad authority in approving interconnection agreements between carriers. To the extent that the instant complaint pertains to the construction or enforcement of an interconnection agreement approved by the Commission, the Staff believes the Commission has a responsibility to act as expeditiously as possible.

3. The FCC and some states, in establishing procedures to hear disputes between telecommunications carriers, have created what are referred to colloquially as “rocket dockets” to hear and resolve these matters as quickly as possible. Between parties with vastly different levels of bargaining power, market share and capital assets, the inability to timely resolve interconnection disputes may serve as a barrier to effective and robust competition.

4. The Staff is of the opinion that the Commission, when asked to do so, should waive the notice requirement of 4 CSR 240-4.020(2) for disputes between telecommunications carriers

because it is always in the public interest to hear such matters as expeditiously as possible, and the 60-day waiting period is unreasonable in such matters.

5. The Staff is of the opinion that this matter should be set for hearing and that a prehearing conference be set ten days after the filing of the complaint, or as soon as practicable thereafter. At such a prehearing conference, the Staff and the Parties can inform the Regulatory Law Judge whether the matter should be set for hearing, can be submitted for decision on briefs without a hearing, and whether the Staff has or will have a position on the subject matter of the dispute.

**WHEREFORE**, the Staff respectfully asks the Commission to consider its position in determining whether to grant the requested waiver.

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 31<sup>st</sup> day of January, 2011.

