

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

In the Matter of the Investigation of the State of)
Competition in the Exchanges of Southwestern) **Case No. TO-2001-467**
Bell Telephone Company)

Concurring Opinion of Commissioner Steve Gaw

I disagree with the Majority's analysis in reaching this decision. However, I concur in the result of this Report and Order on Remand.

The company-provided services in question in this case are not local exchange telecommunications services but are rather akin to long distance service. As such, the services are generally offered by Interexchange Carriers or the original Bell Companies on an intralata basis¹ rather than local exchange companies. Competition in Missouri between carriers offering long distance is and has been significantly robust in comparison to that between local exchange companies.

Based upon the requirements of Missouri law, the services in question meet the requirements to be declared competitive on a statewide basis. The Court of Appeals found that it is necessary to analyze the competitive status of the services on an exchange by exchange basis. While it does not seem clear that the court's record for these services was developed in this manner, because the nature of the services at issue is long distance, it would not seem inappropriate to find these

¹ Subsequent to the original Order in this case SBC was granted authority to offer long distance interlata service as well.

services competitive for Missouri exchanges served by Southwestern Bell Telephone Company, L.P., d/b/a AT&T Missouri since the services meet the requirements on a statewide basis. However, this Commissioner disagrees with the analysis provided in the Commission Order in arriving at the same conclusion because it sets too low a threshold for a finding of competitive classification.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Gaw", with a large, stylized "S" and "G" and a flourish at the end.

Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 21st day of February, 2007.