

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Request of Southwestern Bell)	
Telephone, L.P., d/b/a SBC Missouri, for Competitive)	<u>Case No. TO-2006-0102</u>
Classification Pursuant to Section 392.245.6,)	Tariff File No. YI-2006-0145
RSMo (2005) – 60-day Petition.)	

ORDER DIRECTING FILINGS

Issue Date: October 7, 2005

Effective Date: October 7, 2005

Upon review, the Commission has determined that it is appropriate for its Staff and Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, to file additional information. Due to the impending hearing dates and the expedited nature of this case, the Commission must require that the information be filed expeditiously.

First, the Commission notes that the rebuttal testimony of Staff member John Van Eschen (page 9, lines 3-6) refers to his “amended direct testimony.” Although Staff filed Mr. Van Eschen’s direct testimony on September 19, 2005, and his rebuttal testimony on October 3, 2005, Staff has not filed Mr. Van Eschen’s amended direct testimony. If Staff intends to file amended direct testimony for Mr. Van Eschen, Staff shall do so expeditiously.

Second, the Commission also notes that Section 392.245.5(6), RSMo (2005), provides as follows:

. . . In reviewing an incumbent local exchange telephone company’s request for competitive status in an exchange, the commission shall consider their own records concerning ownership of facilities and shall make all inquiries as are necessary and appropriate from regulated

providers of local voice service to determine the extent and presence of regulated local voice providers in an exchange.

The Commission will direct Staff to file a verified supplemental pleading indicating what actions Staff took to comply with this provision for each exchange in which SBC Missouri requests competitive classification of its business or residential services. In addition, for each exchange in which Staff does not recommend that the Commission grant competitive classification to SBC Missouri, Staff shall, through the use of subpoenas or other appropriate means, expeditiously obtain and then file supplemental information regarding the following:¹

- For each regulated provider of local voice service that SBC Missouri identifies as a competitor for business services in an exchange, does such provider have 2 or more business customers whose addresses are located within that exchange?
- For each regulated provider of local voice service that SBC Missouri identifies as a competitor for residential services in an exchange, does such provider have 2 or more residential customers whose addresses are located within that exchange?

Third, the Commission will direct SBC Missouri to provide a verified supplemental pleading addressing the following, for each wireless or commercial mobile radio service company that SBC Missouri lists as a competitor in its application, testimony, or supplemental pleadings:²

- For each wireless company that SBC Missouri identifies as a competitor in an exchange, does such company have 2 or more business customers whose addresses are located within that exchange?

¹ The Commission acknowledges that in other recent cases, such as IO-2006-0108 and IO-2006-0109, the Commission has required such information to be provided by the alleged competitors. Nonetheless, the Commission finds that in this case, it is appropriate to direct its Staff to provide the information.

² The Commission will direct SBC Missouri to Staff's September 20, 2005 Response to Order Directing Filing and Motion for Leave to File Out of Time, in Case No. TO-2006-0093, as an example of the type of information requested.

- For each wireless company that SBC Missouri identifies as a competitor in an exchange, does such company have 2 or more residential customers whose addresses are located within that exchange?

The Commission also hereby informs the parties that should an additional hearing day be necessary in order to adequately address the Commission's questions in this case, the Commission anticipates that such hearing would be set for October 17, 2005.

IT IS THEREFORE ORDERED:

1. That no later than 12:00 p.m. on October 11, 2005, the Staff of the Commission shall file either the amended direct testimony of John Van Eschen or a notice indicating that no such testimony will be offered in this case.

2. That no later than 3:00 p.m. on October 11, 2005, the Staff of the Commission shall file a supplemental pleading as directed above. If Staff is unable to obtain and file all of the requested information in this time frame, Staff shall provide the information that it does have and shall explain how much additional time it would require to complete the task.

3. That no later than 3:00 p.m. on October 11, 2005, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, shall file a supplemental pleading regarding wireless providers as directed above. If SBC Missouri is unable to obtain and file the requested information in this time frame, SBC Missouri shall provide a partial response consisting of the information that it does have and shall explain how much additional time it would require to complete the task.

4. That this order shall become effective on October 7, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Vicky Ruth, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of October, 2005.