

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Second Investigation into the State)
of Competition in the Exchanges of Southwestern Bell) **Case No. TO-2005-0035**
Telephone, L.P., d/b/a SBC Missouri.)

ORDER DIRECTING FILING

Issue Date: November 8, 2005

Effective Date: November 8, 2005

On July 30, 2004, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed a motion asking the Commission to open a case to investigate the state of competition in the company's exchanges pursuant to Section 392.245.5, RSMo 2000. SBC Missouri also requested that the Commission classify as competitive SBC Missouri's access line and related services and operator/directory services that have not already received a competitive classification. The Commission conducted a hearing in this matter from January 31, 2005, through February 7, 2005.

During the 2005 legislative session and prior to the Commission making a decision in this case, the Missouri legislature passed Senate Bill 237,¹ which significantly modifies the standards by which telecommunications services are considered competitive. Consequently, the Commission issued its Order of Abeyance on June 24, 2005. In its order the Commission determined that it was in the public interest to postpone making a decision in this case until after August 28, 2005, the date upon which Senate Bill 237 was expected to become effective.

¹ CCS/HCS/SS/SCS/SB 237, 93rd General Assembly, First Regular Session (Mo. 2005).

The Commission notes that the statutory changes found in Senate Bill 237 are now effective. Moreover, in Case Nos. TO-2006-0093 and TO-2006-0102, the Commission has found that the business and residential services in many of SBC Missouri's exchanges meet the new statutory standards for competitive classification. Therefore, the Commission will direct the parties to file pleadings addressing whether this case, Case No. TO-2005-0035, may now be closed. If any party believes that the case should not be closed, such party shall file a list of all remaining issues.

IT IS THEREFORE ORDERED:

1. That no later than November 22, 2005, the parties shall file pleadings as directed above.
2. That this order shall become effective on November 8, 2005.

BY THE COMMISSION



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 8th day of November, 2005.