

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

In the Matter of a Request for the)	
Modification of the Springfield)	
Metropolitan Calling Area Plan to Make)	Case No. TO-2005-0143
the Ozark Exchange a Mandatory MCA)	
Tier 1 Exchange.)	

**STAFF’S RESPONSE REGARDING THE
COMMISSION’S AUTHORITY TO ALTER THE MCA PLAN**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its response regarding the Commission’s authority to alter the MCA Plan states:

1. On January 30, 2006, CenturyTel of Missouri, LLC’s (CenturyTel) and Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (AT&T) filed responses to the Office of the Public Counsel’s (OPC) Final Recommendation. Both CenturyTel and AT&T argue that it would be unlawful for the Commission to modify the existing MCA Plan.

2. The arguments raised by CenturyTel and AT&T in Case No. TO-2005-0141 are the same arguments raised by CenturyTel and AT&T in Case No. TO-2005-0144, *In the Matter of a Request for the Modification of the Kansas City Metropolitan Calling Area Plan to Make the Greenwood Exchange Part of the Mandatory MCA Tier 2*. Responding to motions to dismiss for lack of jurisdiction, the Commission rejected these arguments in its August 23, 2005 *Order Denying Motion to Dismiss and Order Directing Filing*.. The Commission concluded that it has the authority to alter the MCA under Chapter 392 RSMo 2000 and under current Missouri case law. For the same reason cited by the Commission in Case No. TO-2005-0144, the Staff believes the Commission should also reject the CenturyTel and AT&T arguments opposing Commission authority in the present case.

3. The Staff believes the next step, as suggested by the OPC in its final recommendation, is for the Commission to direct the carriers “to submit statements of revenue and expense impacts as well as revenue neutrality requirements” within ninety (90) days from January 23, 2006, the date OPC filed its final recommendation.

WHEREFORE, the Staff respectfully offers this response to the responses of CenturyTel and AT&T to the Office of the Public Counsel’s Final Recommendation.

Respectfully submitted,

/s/ Marc Poston

Marc Poston
Senior Counsel
Missouri Bar No. 45722

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8701 (Telephone)
(573) 751-9285 (Fax)
marc.poston@psc.mo.gov

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 7th day of February 2006.

/s/ Marc Poston