

Exhibit No.: _____

Issue(s) Lack of competition in SWBT's exchanges
Witness/Type of Exhibit: Meisenheimer/Rebuttal
Sponsoring Party: Public Counsel
Case No.: TO-2001-467

REBUTTAL TESTIMONY

OF

BARBARA A. MEISENHEIMER

Submitted on Behalf of the Office of the Public Counsel

**In the matter of the investigation of the state of competition
in the exchanges of Southwestern Bell Telephone Company.**

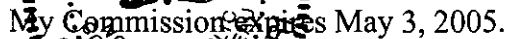
Case No.: TO-2001-467

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**REBUTTAL TESTIMONY
OF
BARBARA A. MEISENHEIMER**

**INVESTIGATION INTO THE STATE OF COMPETITION IN
SOUTHWESTERN BELL LOCAL EXCHANGES**

1 **Introduction**

2 **Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.**

3 A. Barbara A. Meisenheimer, Public Utility Economist, Office of the Public Counsel,
4 P. O. Box 7800, Jefferson City, Missouri 65102. I am also employed as an
5 adjunct Economics Instructor for William Woods University.

6 **Q. PLEASE SUMMARIZE YOUR EDUCATIONAL AND EMPLOYMENT BACKGROUND.**

7 A. I hold a Bachelor of Science degree in Mathematics from the University of
8 Missouri-Columbia (UMC) and have completed the comprehensive exams for a
9 Ph.D. in Economics from the same institution. My two fields of study are
10 Quantitative Economics and Industrial Organization. My outside field of study is
11 Statistics. I have taught Economics courses for the following institutions:
12 University of Missouri-Columbia, William Woods University, and Lincoln
13 University. I have taught courses at both the undergraduate and graduate levels.

14 **Q. HAVE YOU TESTIFIED PREVIOUSLY BEFORE THIS COMMISSION?**

15 A. Yes.

16 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

17 A. To present Public Counsel's comments and positions regarding the current state
18 of competition in Southwestern Bell Telephone Company (SWBT) exchanges and
19 to respond to SWBT's petition to have the Public Service Commission approve a

1 competitive classification for Southwestern Bell Telephone Company services
2 pursuant to Section 392.245.5, RSMo 2000.

3 Primarily Public Counsel wants to address the issue of effective competition for
4 residential and small business customers. While large business customers or
5 customers with high usage are prime targets for competition. Competitors have
6 not actively sought the small business customer or residential customer to the
7 same extent. The goal of the Telecom Act and SB507 is to have competition
8 benefit the broad range of consumers and not just the upper end business
9 customers.

10
11 **Q. IN PREPARATION OF YOUR TESTIMONY, WHAT MATERIALS DID YOU REVIEW?**

12 **A.** I have reviewed the direct testimony of Southwestern Bell Telephone Company
13 witnesses Thomas Hughes, Silvia Acosta Fernandez, Thomas Anvin, Dr. Debra
14 Aron, Thomas Dehahn, Sandy Douglas, Aimee Fite, Barbara Jablonski, and
15 Sandra Moore. I have also reviewed information available from the Commission
16 including portions of the tariffs and annual reports filed with the Commission by
17 local exchange companies, information regarding certifications, interconnection
18 agreements and tariff filings maintained by the Staff and responses to Public
19 Counsel's and Staff's data requests.

1 **Q. WHAT IS THE PURPOSE OF THIS PROCEEDING?**

2 A. The Commission established this proceeding for the purpose of investigating the
3 state of competition in SWBT exchanges in accordance with the "Price Cap
4 Statute," Section 392.245, RSMo 2000.

5 **Q. WHAT PORTION OF SECTION 392.245 IS CURRENTLY AT ISSUE?**

6 A. The full text of the subsection at issue is Section 392.245.5 that states: Each
7 telecommunications service of an incumbent local exchange telecommunications company
8 shall be classified as competitive in any exchange in which at least one alternative local
9 exchange telecommunications company has been certified under section 392.455 and has
10 provided basic local telecommunications service in that exchange for at least five years, **unless**
11 **the commission determines, after notice and a hearing, that effective competition does not**
12 **exist in the exchange for such service.** The commission shall, from time to time, on its own
13 motion or motion by an incumbent local exchange telecommunications company, investigate
14 the state of competition in each exchange where an alternative local exchange
15 telecommunication company has been certified to provide local exchange telecommunications
16 service and shall determine, no later than five years following the first certification of an
17 alternative local exchange telecommunication company in such exchange, whether effective
18 competition exists in the exchange for the various services of the incumbent local exchange
19 telecommunications company. **If the commission determines that effective competition**
20 **exists in the exchange, the local exchange telecommunications company may thereafter**
21 **adjust its rates for such competitive services upward or downward as it determines**
22 **appropriate in its competitive environment. If the commission determines that effective**
23 **competition does not exist in the exchange, the provisions of paragraph (c) of subdivision**
24 **(2) of subsection 4 of section 392.200 and the maximum allowable prices established by**
25 **the provisions of subsections 4 and 11 of this section shall continue to apply. The**
26 **commission shall from time to time, but no less than every five years, review the state of**
27 **competition in those exchanges where it has previously found the existence of effective**
28 **competition, and if the commission determines, after hearing, that effective competition**
29 **no longer exists for the incumbent local exchange telecommunications company in such**
30 **exchange, it shall re-impose upon the incumbent local exchange telecommunications**
31 **company, in such exchange, the provisions of paragraph (c) of subdivision (2) of**
32 **subsection 4 of section 392.200 and the maximum allowable prices established by the**
33 **provisions of subsections 4 and 11 of this section, and, in any such case, the maximum**
34 **allowable prices established for the telecommunications services of such incumbent local**
35 **exchange telecommunications company shall reflect all index adjustments which were or**
36 **could have been filed from all preceding years since the company's maximum allowable**
37 **prices were first adjusted pursuant to subsection 4 or 11 of this section.**

1 **Q. WHY ARE PORTIONS OF THE STATUTE SET OUT IN YOUR TESTIMONY SET IN BOLD**
2 **TEXT?**

3 A. I wanted to clearly show the Commission the full text of the relevant statute and
4 at the same time show the Commission what portions of the statute SWBT chose
5 to omit from Mr. Hughes testimony.

6 **Q. DO YOU AGREE WITH SWBT'S CHARACTERIZATION OF THE STATUTE'S INTENT**
7 **AND REQUIREMENTS FOR ATTAINING A COMPETITIVE CLASSIFICATION?**

8 A. No, I do not, especially when considering the omitted portions of the statute. On
9 page 15 of his testimony Mr. Hughes provides a partial text of the relevant statute.
10 I believe that the entire portion of Section 392.245.5 is relevant.

11 **Q. HOW DOES MR. HUGHES PAINT A DISTORTED PICTURE OF THE**
12 **STATUTORY REQUIREMENTS AND HOW SWBT MAY OR MAY NOT**
13 **SATISFY THEM?**

14 A. I invite the Commission to examine a series of initial questions and answers
15 addressed by Mr. Hughes and Public Counsel's response to the same questions to
16 consider for itself the true scope of the case and the full statutory requirements
17 SWBT must meet.

18 His first question and answer are:

19 Q. DOES THE STATUTE PROVIDE THAT SWBT SHOULD RECEIVE A
20 COMPETITIVE CLASSIFICATION ON ITS SERVICES?

1 Hughes: A. Yes. The statute clearly establishes the presumption that SWBT
2 should receive a competitive classification and the burden is on other parties to
3 demonstrate SWBT is not entitled to equal regulatory treatment. By structuring
4 the legislation in this fashion, lawmakers recognized that the fullest consumer
5 benefit would be derived from a level playing field.
6

7 I disagree that the answer to this question is an unqualified yes. I believe that the
8 first sentence of subsection 5 which Mr. Hughes quotes is taken out of context.
9 That sentence serves to accommodate effective competition for services in
10 exchanges as they develop without the need for a repetitive review of
11 unchallenged petitions for competitive service status by the incumbent provider
12 after the first five years that an Alternative Basic Local Exchange Company
13 (ABLEC) has provided service in an exchange. However, the omitted portion of
14 the statute clearly envisions that effective competition may not develop within in
15 all exchanges or for all services and that there is no certainty of effective
16 competition on an ongoing basis. It also ensures that within the first five of
17 existence of a certified Alternative Local Exchange Company (ALEC) in the
18 exchange a service may not be granted competitive status automatically, but
19 instead, the commission must conduct a proceeding to make an initial
20 determination of whether or not effective competition exists for the services in an
21 exchange. If the Commission determines that effective competition exists, then
22 the company gains competitive status for the relevant service. If not, the
23 incumbent can petition for competitive service status potentially unchallenged at a
24 later time.
25

26 Mr. Hughes next discusses the burden of proof:
27

28 Q. DOES SWBT HAVE THE BURDEN OF PROOF IN THIS CASE?
29

30 Hughes: A. No. The burden is on other parties to prove that effective
31 competition does not exist. However, in order to make it easier for the
32 Commission, we are affirmatively demonstrating through SWBT's direct
33 testimony that effective competition does exist throughout SWBT's exchanges in
34 Missouri.

1
2 Mr. Hughes' conclusion apparently relies on the portion of the statute that applies
3 only after the initial determination regarding the existence of effective
4 competition for services in an exchange. To the contrary, this proceeding will
5 initially determine whether or not effective competition exists for services in
6 SWBT's exchanges. The statute requires that the Commission must find either
7 that it does or it does not. The statute does not shift the burden to the parties to
8 prove that effective competition does not exist. SWBT must demonstrate the
9 affirmative position of the presence of effective competition.
10

11 Mr. Hughes then discusses the future role of SWBT's price cap regulation:
12

13 Q. THE STATUTE INDICATES THAT THE COMMISSION MUST
14 EXAMINE THE STATE OF COMPETITION, WITH THE INTENT OF
15 ELIMINATING PRICE CAP REGULATION, NO LATER THAN FIVE
16 YEARS AFTER A CLEC HAS BEEN CERTIFICATED TO PROVIDE
17 SERVICE IN AN EXCHANGE. WHEN WAS THE FIRST CLEC
18 CERTIFICATED IN MISSOURI?
19

20 Hughes: A. Communications Cable-Laying Company, d/b/a Dial US became
21 certificated when its tariffs were approved in January 1997.
22

23 The way in which this question is worded suggests that the intent of the statute is
24 to eliminate price cap regulation. This is a correct characterization only to the
25 extent that effective competition exists and continues to exist on an ongoing basis.
26 The portion of the statute that Mr. Hughes omitted clearly envisioned an ongoing
27 need for price cap regulation if effective competition does not exist or is not
28 sustained on an ongoing basis.
29

1 **Q. IF THE COMMISSION FINDS THAT EFFECTIVE COMPETITION DOES NOT EXIST FOR**
2 **THE SERVICES IN AN EXCHANGE AT THIS TIME, HOW CAN SWBT ATTEMPT TO**
3 **GAIN COMPETITIVE STATUS FOR SERVICES IN THE FUTURE?**

4 A. SWBT will have two alternatives. If an ALEC has not been providing basic local
5 service in the exchange for at least five years, SWBT can petition the Commission
6 for competitive classification of the service in an exchange. The Commission
7 must then conduct an investigation regarding the competitive status. If instead an
8 ALEC has been providing basic local service in the exchange for at least five
9 years, then if either the petition goes unchallenged or opposing parties fail to
10 demonstrate that effective competition still does not exist, then SWBT's petition
11 for competitive service status in the exchange should be granted.

12 **Q. IF THE ULTIMATE OUTCOME OF THIS PROCEEDING IS A DETERMINATION THAT**
13 **ANY OF SWBT'S SERVICES ARE SUBJECT TO EFFECTIVE COMPETITION IN AN**
14 **EXCHANGE, SHOULD ANY ADDITIONAL PRICING RESTRICTIONS BE IMPOSED ON**
15 **SWBT PRIOR TO ALLOWING IT FLEXIBILITY FOR THE SERVICE IN THE**
16 **RELEVANT EXCHANGE?**

17 A. None beyond those restrictions imposed on its competitors.

1 **Q. IF THE COMMISSION DETERMINES THAT EFFECTIVE COMPETITION DOES NOT**
2 **EXIST IN AN EXCHANGE FOR A SERVICE, WHEN WILL BE SWBT'S FIRST**
3 **OPPORTUNITY TO PETITION FOR COMPETITIVE SERVICE STATUS WITHOUT THE**
4 **REQUIREMENT FOR AN INVESTIGATION INTO THE LEVEL OF COMPETITION FOR**
5 **THE SERVICE IN THE EXCHANGE?**
6

7 **A.** It will depend on the exchange. Statewide certification of an ALEC alone is not
8 sufficient to avoid an investigation in cases where effective competition was not
9 found to exist in investigations conducted in the initial 5-year window. An
10 additional requirement is that the ALEC has provided **basic local service in the**
11 **exchange** for at least five years. In SWBT's petition for price cap status filed on
12 March 21, 1997, SWBT states that Dial US began offering basic local
13 telecommunications services in SWBT's Springfield exchange to Dial US
14 employees as of December 31, 1996, and to the general public as of February 24,
15 1997. Public Counsel believes that more than a tariff filing may be required to
16 demonstrate that an ALEC is providing basic local service. Even if the tariff
17 filing were the triggering event, here the original Dial US tariffs applied to SWBT
18 exchanges in the only the 417 area code. Therefore, the Dial US offering does not
19 qualify for qualify for exchanges outside the 417 area code. The following chart
20 attempts to identify the CLEC and the dates the earliest basic local tariffs became
21 effective in each SWBT exchange.
22

Dial US	See Above	SWBT exchanges in the 417 area code
Brooks Fiber	07/08/97 Effective Date	Business-Principle Zone and MCA 1 of Kansas City and Springfield
Max-Tel	12/05/97 Effective Date	Pre-paid Residential All SWBT
Intermedia	12/12/97 Effective Date	KC Metro and Zones 1&2, St Louis Metro and Zones 1&2, Springfield Metro and Metro calling zone (reduced to St Louis Metro and Zones 1&2 on 11/14/98)
WorldCom	12/23/97 Tariff Approved	Business Only
Onyx/Mo Com South	01/05/98 Tariff Effective	Pre-paid Residential All SWBT
USA eXchange, LLC d/b/a Omniplex Communications Group	01/30/98 Tariff Effective	Resale Residential and Business All SWBT

1 **Q. THE PROCESS YOU DESCRIBE FOR SWBT TO ATTAIN COMPETITIVE STATUS FOR**
2 **ITS SERVICES APPEARS TO BE ONGOING AND WILL LIKELY RESULT IN NUMEROUS**
3 **CONTESTED PROCEEDINGS. IS THIS REALLY NECESSARY?**

4 **A.** Yes, it is. If SWBT is granted competitive status absent effective competition for
5 services in its exchanges, SWBT will be free to raise prices above the levels
6 currently allowed by the price cap formula. In instances such as resale where the
7 ALEC's wholesale cost are tied to and would rise along with SWBT's retail
8 prices, customers would not have adequate protection against unreasonable price
9 increases. If basic local increases occur, customers will be forced to pay the
10 higher prices or lose access to a service that is essential in ensuring safety, health,
11 and meaningful participation in society. Increases in basic local rates could also
12 negatively impact the welfare of small businesses. If residential basic local rates
13 increased, lifeline rates also rise, which is contrary to the specific intent of
14 providing a more affordable discounted rate to low-income customers. If SWBT
15 increases access rates, IXC's will be forced to absorb the loss or attempt to pass
16 through the increases to all of their customers. Switched access rate increases
17 could also directly affect customers outside of SWBT's local service territory.
18 For example, a number of small companies serving rural areas formed long
19 distance affiliates to provide toll to their local customers when the large
20 incumbent local exchange companies were allowed to terminate interexchange
21 services offerings, including per minute and block-of-time toll services, OCA and
22 COS, among others. Since SWBT serves the vast majority of larger communities
23 in the state that are targets of a substantial portion of rural customers' calls, there
24 will be pressure on the small companies and other IXC's that serve small company
25 service territories to pass through any access rate increases or abandon service to
26 rural customers. The Commission should also consider the impact on the cap of

1 CLEC access rates if SWBT is allowed upward pricing flexibility. Initially, some
2 CLECs argued that their access rates should not be capped at the incumbents'
3 existing levels. There is a realistic threat that if SWBT's cap is removed then the
4 CLECs will request similar treatment and increase their terminating access rates.

5 While SWBT's testimony implies that the Commission could act on complaints
6 and re-subject it to price caps at anytime in the future that rates appear to be
7 unjust, it will take time to do that. During that time customers may be paying
8 excessive rates for multiple services. Given the links that exist between SWBT's
9 rates and IXC and CLEC wholesale rates and charges, it is paramount to protect
10 ratepayers to ensure that effective competition actually exists prior to granting
11 competitive service status.

12 **Q. MR. HUGHES AND OTHER SWBT WITNESSES FREQUENTLY REFERENCE THE**
13 **NEED FOR AND THE FAIRNESS OF CREATING A LEVEL PLAYING FIELD. WHAT IS**
14 **YOUR RESPONSE?**

15 A. SWBT already enjoys the home field advantage by its control of the "bottle neck"
16 loop facilities. The fairness of requiring SWBT to operate under more restrictive
17 pricing constraints is not the primary issue in this case. A potential need for
18 differing treatment on an ongoing basis was codified in the price cap statute as a
19 necessary requirement until effective competition was demonstrated. Despite the
20 fact that SWBT's representatives in this case are people that we find personable
21 and likable, that is not the issue. They are representing an incumbent RBOC that
22 together with its predecessor have operated as a protected monopoly for nearly 90
23 years in the state of Missouri. In the case of the interstate long distance market, it
24 took about 20 years after divestiture for AT&T to gain non-dominant status in the

1 interstate, domestic, interexchange market. In ensuring that the game is worth the
2 admission price, the "levelness" of the playing field is but one consideration. In
3 addition, we should strive to make sure that the teams were balanced in terms of
4 capability and equipment, thereby producing the best efforts by all competitors. I
5 believe it is reasonable to consider more than simply the rules under which
6 various competitors operate. It is also imperative to consider issues of market
7 dominance and the potential for SWBT either alone or in concert with other
8 carriers, to successfully exert market power once SWBT is released from price
9 caps. The primary economic benefit of truly effective competition is that no
10 single firm or group of firms has the ability to profitably sustain price increases to
11 any significant degree above cost.

12 For nearly 90 years, SWBT and its predecessor AT&T enjoyed an exclusive
13 service territory in the State of Missouri, developing longstanding relationships
14 with customers and, albeit under regulatory oversight, generally becoming known
15 for ubiquitous basic local service offerings, affordable prices, reliable services,
16 and timely installations and repairs. Reasonably, these attributes constitute a
17 significant competitive advantage over lesser-known competitors. Additionally,
18 because SWBT has thus far been prohibited from providing instate interLATA
19 and interstate long distance service, it has not been the party at fault for
20 consumers' dissatisfaction with slamming, cramming and a continuous stream of
21 sales calls during the dinner hour, unlike AT&T, MCI/WorldCom, Quest and
22 other more well known IXC's. In general, I believe that less sophisticated
23 telecommunications users have become wary (and weary) of changing providers.
24 This also obviously works to the advantage of an incumbent monopoly when its
25 market is opened to alternative providers. While existing market share alone is
26 not the only criteria by which we should gauge the degree of effective

1 competition that exists, I believe that in this case it is the most significant criteria
2 and should bear substantial weight in the Commission's decisions in this
3 proceeding.

4 **Q. WHAT ARE THE STATUTORY CRITERIA FOR EVALUATING "EFFECTIVE**
5 **COMPETITION?"**

6 **A.** Section 386.020.13, RSMo 2000 provides the following direction:

7
8 (13) "Effective competition" shall be determined by the commission based on:

9 (a) The extent to which services are available from alternative providers in the
10 relevant market;

11 (b) The extent to which the services of alternative providers are functionally
12 equivalent or substitutable at comparable rates, terms and conditions;

13 (c) The extent to which the purposes and policies of chapter 392, RSMo, including
14 the reasonableness of rates, as set out in section 392.185, RSMo, are being
15 advanced;

16 (d) Existing economic or regulatory barriers to entry; and

17 (e) Any other factors deemed relevant by the commission and necessary to
18 implement the purposes and policies of chapter 392, RSMo;

19 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS ON THE STATUS OF COMPETITION IN**
20 **SWBT EXCHANGES IN TERMS OF THE CRITERIA FOR "EFFECTIVE COMPETITION"**
21 **LISTED IN SECTION 386.020(13), RSMo.**

22 **A.** SWBT does not fair well in meeting the statutory criteria. SWBT controls the
23 local loop in its exchanges. The customer is captive to the company that controls
24 the loop. Alternative providers for local service must win away those captive
25 customers. In the local market, alternative local exchange providers have made

1 only minor inroads, and virtually no progress in the residential market. In the
2 interexchange toll market, there are a significant number of competitors and the
3 market would lend itself to effective competition in absence of barriers. Public
4 Counsel believes that competition in the intraLATA toll market has been hindered
5 by delayed in CLEC participation in the MCA and full IXC and CLEC
6 participation in the resale of the Local Plus service.

7 While alternative providers compete with SWBT in some exchanges for business
8 service, there is an absence of equivalent or substitutable service available to
9 residential customers and small business customers at comparable rates, terms and
10 conditions. The prepaid service providers constitute the only residential
11 competition. But that service is designed and marketed to customers with credit
12 problems. Customers pay an exorbitant amount prepaid and do not receive the
13 full range of services as available under SWBT's local service. Mandatory toll
14 blocking and restricted access to +0 and +1 calls do not make the prepaid service
15 a functionally equivalent service.

16 Cellular service also is not a functionally equivalent or substitute service since it
17 does not meet the same criteria for 911 service that wireline service provides.
18 Email cannot reasonably be classified as the functional equivalent of voice
19 communication. Voice telephoning over the Internet suffers from poor signal
20 quality and is not a functional equivalent.

21 Sec392.185, RSMo. sets out the purposes of Chapter 392, RSMo. The level of
22 competition in the SWBT exchanges has not fulfilled or advanced these goals.
23 SWBT's price cap regulatory scheme has as its purpose flexibility for downward
24 pricing to meet competition. This has not occurred to any significant degree. In

1 fact, rates for many services have increased under the pricing options available to
2 SWBT under the price cap statute.

3 The development of competition has not proceeded outside of the initial stages.
4 At this time, the PSC, the Staff, OPC, SWBT, and the CLECs are still in
5 proceedings to iron out the details on how competitors can gain non-
6 discriminatory access to SWBT's facilities and services as envisioned by the 1996
7 Federal Telecommunications Act and Senate Bill 507.

8 Barriers to local competitive entry still exist. CLECs have had a long and
9 winding road through the regulatory hoops and the extended negotiations with
10 SWBT for interconnection agreements. SWBT's use of the regulatory system to
11 delay full CLEC participation in MCA and its Local Plus service offerings have
12 hindered the development of effective local and intraLATA toll competition.

13 Public Counsel believes that PSC approval of UNE pricing above that in Texas
14 also poses a barrier to entry in Missouri. SWBT has also pursued legislative
15 means to limit the ability of other entities to engage in effective competition.
16 SWBT has vigorously advocated Section 392.410(7) (HB620) which limits the
17 ability of municipalities to offer telecommunication services, foreclosing an
18 opportunity for municipalities to offer this utility service as they do other utility
19 services and an opportunity to provide an alternative provider in rural areas where
20 private CLECs may not provide service.

21 SWBT and the other RBOCs have tried to impose additional barriers to entry and
22 effective competition by pushing for Congress to reduce SWBT's obligations to
23 make advanced telecommunications services available for CLECs.

1 After consideration of the data presented here about CLECs and their operations
2 in SWBT exchanges, and the other considerations I have reviewed and noted, I
3 believe that the Commission should decline to declare SWBT services
4 competitive, with the possible exception of per minute price intraLATA toll.

5 **Q. HAVE YOU PERFORMED ANY QUANTITATIVE ANALYSIS DESIGNED TO ASSIST IN**
6 **DETERMINING WHETHER EFFECTIVE COMPETITION EXISTS IN SWBT'S**
7 **EXCHANGES?**

8 A. Yes. I have considered information from a number of sources, including
9 information regarding access line counts provided by SWBT, CLEC tariffs,
10 CLEC Annual Reports, and Central Office Code Assignment data available from
11 the NANPA WebPages.

12 **Q. PLEASE DESCRIBE YOUR ANALYSIS.**

13 A. Although it is in and of itself not conclusive, one indicator of market dominance
14 (and in turn, the absence of effective competition) is the Herfindahl-Hirschman
15 Index. (HHI) It is calculated as the sum of the market shares squared for firms in
16 what is determined to be the relevant geographic and product market. In this case,
17 I believe it is relevant to consider both the statewide market and a geographic
18 market defined at the exchange level. The statewide market can provide some
19 insight as to the degree to which CLECs have been effective in establishing a
20 statewide presence. This will help to demonstrate the likelihood of effective
21 competition to develop across the state and not simply in isolated pockets. While
22 based on the statute, it appears that evaluating the extent to which effective
23 competition exists at the exchange level, in my opinion, it is also worthwhile to

1 consider the extent to which CLECs have committed to provide services
2 throughout Missouri.

3 Although consumers do not buy access lines, access lines or “loops” provide the
4 conduit for carriers to offer consumers a multitude of services, including local
5 services, toll services, operator services, directory services, and a host of custom
6 calling features. That same conduit is required by other carriers to terminate calls.
7 Historically, incumbent local exchange carriers such as SWBT have retained
8 virtually exclusive control of this bottleneck facility. This provides the potential
9 for SWBT to exercise some form of market power in the provisioning of virtually
10 every intrastate retail or wholesale service offered over the switched network
11 within its exchanges, potentially allowing SWBT to overcharge both retail
12 consumers and wholesale consumers and ward off meaningful competition. The
13 1996 Federal Telecommunications Act attempted to address this concern by
14 requiring the incumbents to open their markets to competition, including the
15 requirement that the incumbent lease parts of its network to competitors. Senate
16 Bill 507 attempted to mitigate potential market power by imposing restrictions in
17 the form of price caps that would impose an upper bound on the incumbent while
18 also allowing the incumbent an opportunity to respond to competitive pressures to
19 lower price.

20 Although competitive basic local service providers have met with some success in
21 acquiring market share in some exchanges, the local service market remains
22 highly concentrated and SWBT continues to monopolize the market on a
23 statewide basis. In total, an estimate of SWBT’s share of statewide access lines is
24 **** ____ **** dwarfing the combined total of its CLEC competitors including
25 prepaid, regular resale, UNE-P, and CLEC switched service as estimated based on
26 the number of E-911 listings. (See, Schedule BAM-4HC) On an exchange basis

1 SWBT's market share of total access lines in ** _____ ** exceeds the
2 roughly 80% measure of market share that the FCC found to indicate that AT&T
3 monopolized the interstate, domestic, interexchange market in 1993. (See
4 Schedule BAM-4HC) ** _____

5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____, ** (See Schedule BAM-2HC and BAM-3HC) The
15 information contained in the Schedules is based on SWBT line count data and
16 CLEC line counts provided by SWBT to the Staff and Public Counsel. I utilized
17 information received in response to Staff's data request to CLECs to estimate the
18 share of UNE-P lines associated with provisioning business service. Additional
19 information concerning the methodology used is supplied in BAM-5HC.

20 Also available for review is numbering code data from NANPA identifying which
21 CLECs have received numbering resources in anticipation of servicing customers
22 using their own switching facilities. Whether through merger and acquisitions or
23 scaling back business plans, the information appears to show a trend toward a
24 reduction in the potential number of facility-based alternatives. (Schedule BAM-
25 6).

1 I have also reviewed CLEC tariffs and ALEC annual reports. Comparing this to
2 SWBT witnesses' schedules of what the Company reports as CLEC competitors, I
3 discovered that in some cases the CLECs identified as providing service in
4 Missouri are not. Others listed are piece parts of larger entities because of
5 mergers or acquisitions. Some "providers" on SWBT's list are in bankruptcy or
6 their certificate has been cancelled. Some simply do not provide the service
7 identified by SWBT. Examples of discrepancies between the extent of CLEC
8 offerings identified in Schedule BAM-7HC of my testimony and that reported by
9 SWBT in a DR response to Staff Data Request No. 3. (Provided as Schedule
10 BAM-8HC). Although CLECs may be certified and may have tariffs filed, that
11 does not mean that they are actually providing service or providing service at a
12 level that constitutes effective competition and the Commission should not be
13 persuaded by exaggerated claims.

14 While over all "prepaid" providers seem to have profited from Missouri
15 operations, they service a niche market of residential customers and do not
16 provide the equivalent of SWBT's basic local service either in terms of service or
17 in price and other terms and conditions. The data also raises concerns about the
18 future of CLECs in Missouri if other states offer a competitive environment that
19 has a greater potential for profitability.

20 **Q. BASED ON YOUR ANALYSIS OF THE STATE OF COMPETITION IN MISSOURI, WHAT**
21 **ARE YOUR CONCLUSIONS REGARDING BASIC LOCAL?**

22 **A.** The loop continues to be a bottleneck facility primarily controlled by SWBT. The
23 HHI analysis I conducted on an exchange by exchange basis shows that the

1 market for basic local services is highly concentrated and not subject to effective
2 competition.

3 **Q. WHAT ARE THE IMPLICATIONS OF YOUR STUDY ON SERVICES OTHER THAN BASIC**
4 **LOCAL?**

5 A. The competitive status of vertical services and class features depends on and is
6 intertwined with the status of competitive for basic local service. A customer
7 must have basic local to obtain vertical services; those services are not bought
8 independently, and like basic local, should not be designated as effective.

9 The data indicates to me that effective competition does not exist in any SWBT
10 exchange. For basic local service and the associated services such as custom
11 calling features, operator assistance, local directory assistance. There is not an
12 exchange in the state where SWBT does not enjoy market dominance by virtue of
13 control of the loop.

14 The toll market for per minute and block of time plans more ripe and subject to
15 effective competition as evidenced by the number of IXC providers, and the
16 aggressive marketing of toll service as contrasted with virtually no marketing for
17 local service in Missouri.

18 **Q. SWBT HAS DIVIDED ITS SERVICE OFFERINGS INTO 6 GENERAL CATEGORIES.**
19 **PLEASE SUMMARIZE PUBLIC COUNSEL'S FINDINGS ON THE STATUS OF**
20 **COMPETITION OR ITS POSITION ON EACH OF THESE CATEGORIES.**

21
22 A. Business Switched Services

1 Public Counsel has serious concerns regarding SWBT's characterization of the
2 competitiveness of basic local business offerings. The market is not subject to
3 effective competition and these services should not receive a competitive
4 designation at this time. In its testimony in this area, SWBT attempts to bolsters
5 its case by presenting an exaggerated perspective of competitive offerings that in
6 reality are not available to consumers. SWBT continues to enjoy virtually
7 monopoly control of the loop facilities that it and its CLEC competitors use to
8 provide switched business services to customers. As a vertically and horizontally
9 integrated firm, it has the potential to gain at its consumers' expense if
10 prematurely released from price cap regulation.

11 Business Dedicated Services

12 Public Counsel takes no position on the status of competition at this time. Public
13 Counsel will evaluate the evidence on this category.

14 Special and Switched Access, SS7 and LIDB

15 Public Counsel believes that Switched Access is not subject to effective
16 competition at this time and should not receive a competitive designation. The
17 carrier that provides a customer's local service also receives any access revenues
18 associated with the origination and termination of calls from and to the customer.
19 Alternative conduits to the home such as cable telephony and fixed wireless
20 connections are almost nonexistent in the state. Where they do exist, control of
21 the conduit still belongs to the company providing the service. Past cases before
22 the Commission indicate that CLECs might prefer to charge higher access charges
23 but SWBT's control of the loop has thwarted the CLECs attempt to avoid
24 SWBT's access rates as a cap. Price Cap regulation already allows SWBT
25 downward flexibility in access charge pricing, however, SWBT has not come

1 forward proposing to lower prices for switched access. Allowing SWBT upward
2 pricing flexibility provides little assurance that access charges will not rise.

3 Residential Services

4 Public Counsel believes that the evidence clearly demonstrates that SWBT retains
5 a monopoly in residential service offerings with only two exceptions. In those
6 two exchanges, SWBT retains market dominance. Effective competition simply
7 does not exist. Based on the information I have reviewed it appears that prepaid
8 offerings have enjoyed some success by serving a niche market of credit troubled
9 customers at exorbitant rates with a product that is inferior to SWBTs basic local
10 residential offerings.

11 Interexchange Services

12 Public Counsel could support a competitive classification for interexchange
13 services that do not involve flat-rate unlimited usage such as MCA, Local Plus
14 and the Designated Number Plan. These types of offerings are not competitive.
15 SWBT has taken actions to make it difficult for CLECs to offer these services.

16 Directory and Operator Services

17 Public Counsel does not believe that these services are subject to effective
18 competition. Because SWBT still dominates the local service in each exchange,
19 most calls to directory assistance and to the operator are directed to SWBT.

20 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

21 **A. Yes, it does.**
22

EXCHANGE SERVICES CONCURRENCE

Tariff Reference
SWBT PSC Mo. 24

2. PRODUCTS/SERVICES (continued)

2.2 Exchange Access Lines

The Company concurs in the rules and regulations, including all footnotes thereto, applying to and governing Local Exchange telephone service (hereinafter referred to as Exchange Access Lines service) as set forth in the Southwestern Bell Telephone Company Local Exchange tariff on file with and approved by the Public Service Commission of the State of Missouri, and in any amendments thereto as authorized by the Missouri Public Service Commission or applicable law. The Company does not concur in the rates of Southwestern Bell Telephone Company for Exchange Access Line telephone services. Rates for these services are set out in the following pages of this concurrence.

The Company reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of the Company and/or its customers.

Applicability

This tariff applies to the Telephone Company's resale of telecommunications services within the following Southwestern Bell Telephone Company exchanges:

Billings	Lockwood	Rogersville
Clever	Monett	McDaniel
Carl Junction	Marionville	Temple
Carthage	Neosho	Tuxedo
Fairgrove	Nevada	Strafford
Joplin	Nixa	Webb City
Jasper	Pierce	Walnut Grove
Lamar	Republic	Willard

which are located within the Telephone Company's authorized territories within the State of Missouri.

Issued:

James S. Hedges
Communications Cable-Laying Co., Inc.
D/B/A Dial U.S.
Springfield, Missouri

Effective:

VERTICAL SERVICES CONCURRENCE

Tariff Reference
SWBT PSC Mo. 35 §47

2. PRODUCTS/SERVICES

2.1 General Exchange Vertical Services

Except as set forth in Section 1.1 of this tariff (and as set forth herein), the Company concurs in the rules and regulations, including all footnotes thereto, of Southwestern Bell Telephone Company General Exchange tariff on file with and approved by the Public Service Commission of the State of Missouri, and in any amendments thereto as authorized by the Missouri Public Service Commission or applicable law. The Company does not concur in the rates for General Exchange Vertical Services of Southwestern Bell Telephone Company. Rates for these services are set out in the following pages of this concurrence.

The Company reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of the Company and/or its customers.

Applicability

This tariff applies to the Telephone Company's resale of telecommunications services within the following Southwestern Bell Telephone Company exchanges:

Billings	Lockwood	Rogersville
Clever	Monett	McDaniel
Carl Junction	Marionville	Temple
Carthage	Neosho	Tuxedo
Fairgrove	Nevada	Strafford
Joplin	Nixa	Webb City
Jasper	Pierce	Walnut Grove
Lamar	Republic	Willard

which are located within the Telephone Company's authorized territories within the State of Missouri.

Issued:

James S. Hedges
Communications Cable-Laying Co., Inc.
D/B/A Dial U.S.
Springfield, Missouri

Effective:

MAY 13 1997

ORIGINAL PAGE 4.2

LOCAL EXCHANGE SERVICES

MISSOURI

Public Service Commission

Description

The Company's Local Telephone Service provides a Customer with the ability to connect to the Company's switching network. The Company's service can not be used to originate calls to other telephone companies caller-paid information services (e.g., 900, 976). Calls to those numbers and other numbers used for caller-paid information services will be blocked by the Company's switch.

General Regulations

4.2.1 Service Area: The Company's service area consists of the Principal Zone and MCA 1 of the Kansas City and Springfield Metropolitan Exchanges as defined in Southwestern Bell Telephone Company's Local Exchange tariffs. The Company's provision of service within said service area is subject to the availability of appropriate facilities.

4.2.2 Local Calling Areas: The local calling area for the Company's Missouri customers consists of the geographic area encompassed within the Kansas City and the Springfield Metropolitan Exchange (Principal Zone and MCA-1 and MCA-2 Zones) as defined in Southwestern Bell Telephone Company's Local Exchange tariffs.

Local Calling Service4.3.1 Description

Local Calling Service provides a customer with the ability to originate calls from a Company-provided access line to all other stations on the public switched telephone network bearing the designation of any central office of the exchanges, areas, and zones included in the caller's local calling area.

4.3.2 Exchanges By Rate Group

4.3.2.1 Rates for the Company's services under this tariff may be differentiated by Rate Groups, which are defined as follows:

Rate Group A: The Company's Service Area to the extent it is included within the area encompassed by Rate Group D as defined in the tariffs of Southwestern Bell Telephone Company.

Rate Group B: The Company's Service Area to the extent it is included within the area encompassed by Rate Group C as defined in the tariffs of Southwestern Bell Telephone Company.

4.3.3 Measured Rates for Local calls¹¹

Usage sensitive (time increment) charges apply for each call. Timing is in 6-second increments, with a minimum charge of one minute per call.

	<u>Initial minute</u>	<u>Additional 6-second increment</u>
0 Miles	\$.021	\$.001
1 Miles and over	\$.034	\$.0012

CANCELLED
JUN 30 1998
By ISPRS# 4.2
Public Service Commission
MISSOURI

¹¹ Rates apply in addition to the Residence and Gateway S1 access line rates.

ISSUED: May 13, 1997

EFFECTIVE: ~~_____~~

JUL 12 1997

FILED

By: D. Craig Young, President
425 Woods Mill Road, Ste. 300
Town & Country, MO 63017

Schedule Brooks Fiber
Page 1 of 4

JUL 12 1997
96-1238
MO. PUBLIC SERVICE COM

GATEWAY S1 SERVICES

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MAY 26 1998

Gateway S1 Basic Business Line

Description

The Gateway S1 Basic Business Line provides a Customer with a single, analog, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Gateway S1 Basic Business Lines are provided for the connection of customer provided wiring, station sets or facsimile machines, or Key Systems.

MO. PUBLIC SERVICE COMM

Standard Features

Each Gateway S1 Basic Business Line is provided with the following standard features:
Touch-Tone

Optional Features

Deny Terminating
Hunting

(DT)

(MT)

Business Line Value Package

Business Line Value Package consisting of the following features is available with the Basic Business Line, Optional Features, and Security Package.

Call Forwarding - Variable
Call Forwarding - Busy
Call Forwarding - Don't Answer
Call Waiting
Cancel Call Waiting
Three-Way Calling
Customer Changeable Speed Calling

(CT)

Security Package

Security Package consisting of the following features is available with the Basic Business Line, Optional Features, and Business Value Line Package.

Caller ID Number
Remote Access To Call Forwarding
Call Trace

(CT)

(CT)

FILED

JUN 30 1998

MISSOURI
Public Service Commission

May 26, 1998

EFFECTIVE DATE

By: Charles J. Gardella, VP Legislative and Regulatory Affairs
#1 Brooks Center Parkway
Town & Country, MO 63017

JUN 30 1998
Schedule Brooks Fiber
Page 2 of 4

GATEWAY S1 SERVICES

MAY 26 1998

MO. PUBLIC SERVICE COMM

Now are for Rate Group B Exchanges.

These non-recurring and monthly rates are not available to new customers as of June 30, 1998. Rates (CT)
for new customers are contained in Section 20.10. Rates for existing customers apply as follows: ⁽¹⁾
(Continued)

	Non-Recurring (New) (2), (3), (4)	Non-Recurring (Changes) (3), (4) (5)	Month to Month	1 Year	3 Year	5 Year	
Business Line	\$50.00		\$23.25	\$21.75	\$20.75	\$20.00	
	\$50.00		\$25.25	\$23.75	\$22.75	\$21.75	
Features			\$1.50	\$1.50	\$1.50	\$1.50	(CT) (NR) (RT)
Value Pkg.	N/C		\$7.00	\$7.00	\$7.00	\$7.00	
Waiting Variable			\$2.00	\$2.00	\$2.00	\$2.00	
Waiting - Busy			\$0.50	\$0.50	\$0.50	\$0.50	
Waiting - Don't Answer			\$0.50	\$0.50	\$0.50	\$0.50	
Long			\$3.25	\$3.25	\$3.25	\$3.25	
Long Calling			\$2.00	\$2.00	\$2.00	\$2.00	
Longable Speed Calling			\$2.00	\$2.00	\$2.00	\$2.00	
	N/C		\$6.00	\$6.00	\$6.00	\$6.00	
Analog PBX Trunk	\$50.00		\$29.75	\$27.75	\$26.75	\$25.50	
	\$50.00		\$32.75	\$30.75	\$29.50	\$28.25	
Features							(CT) (RT) (RT)
			\$1.50	\$1.50	\$1.50	\$1.50	(CT)(NR)
Pkg.	N/C		\$6.00	\$6.00	\$6.00	\$6.00	

Connection Charges also apply, as specified under Section 3.

for the initial installation (new).

applies per line, per trunk, per feature, per package as applicable under section 3.

multiple features or packages are established/changed at the same time, on the same line/trunk, only one non-

charge applies as applicable under section 3.

for changes made, once the service has been established as applicable under section 3.

FILED

JUN 30 1998

MISSOURI
Public Service Commission

May 26, 1998

EFFECTIVE DATE 1998

By: Charles J. Gardella, VP Legislative and Regulatory Affairs
#1 Brooks Center Parkway
Town & Country, MO 63017

JUN 30 1998
Schedule Brooks Fiber
Page 3 of 4

GATEWAY S1 SERVICES

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are for Rate Group A Exchanges

MAY 26 1998

These non-recurring and monthly rates are not available to new customers as of June 30, 1998. Rates for new customers are contained in Section 20.10. Rates for existing customers apply as follows: (CT)

	Non-Recurring (New) (2), (3), (4)	Non-Recurring (Changes) (5), (3), (4)	Month to Month	1 Year	3 Year	5 Year	
Business Line							
	\$50.00		\$28.50	\$26.75	\$25.75	\$24.50	(CR)
							(DR)
	\$50.00		\$29.75	\$28.00	\$26.75	\$25.75	(NR)
	\$50.00		\$31.50	\$29.75	\$28.50	\$27.25	(NR)
Features							
			\$1.50	\$1.50	\$1.50	\$1.50	(DR)
							(NR)
Value Pkg.	N/C		\$7.00	\$7.00	\$7.00	\$7.00	(CR)
ding-Variable	N/C		\$2.00	\$2.00	\$2.00	\$2.00	(NR)
ding-Busy	N/C		\$5.00	\$5.00	\$5.00	\$5.00	
ding-Don't Answer	N/C		\$5.00	\$5.00	\$5.00	\$5.00	
	N/C		\$3.25	\$3.25	\$3.25	\$3.25	
Calling	N/C		\$2.00	\$2.00	\$2.00	\$2.00	
	N/C		\$2.00	\$2.00	\$2.00	\$2.00	(NR)
	N/C		\$6.00	\$6.00	\$6.00	\$6.00	(CR)
S1 Analog PBX Trunk							
	\$0.00		\$37.00	\$34.75	\$33.50	\$31.75	(CR)
	\$50.00		\$38.75	\$36.50	\$35.00	\$33.50	(NR)
	\$50.00		\$40.75	\$38.25	\$36.75	\$35.00	(NR)
Features							
			\$1.50	\$1.50	\$1.50	\$1.50	(NR)
Pkg.	N/C		\$6.00	\$6.00	\$6.00	\$6.00	(CR)
S1 Analog DID Trunk							
	\$25.00		\$40.00	\$37.75	\$36.00	\$34.50	(CR)
Features (6)							
							(RT)
			\$1.50	\$1.50	\$1.50	\$1.50	(NR)
10 Numbers	\$25.00		\$4.00	\$4.00	\$4.00	\$4.00	
20 Numbers	\$50.00		\$5.00	\$5.00	\$5.00	\$5.00	
100 Numbers	\$100.00		\$21.00	\$21.00	\$21.00	\$21.00	(NR)

Connection Charges also apply, as specified under Section 3.

for the initial installation (new).

applies per line, per trunk, per feature, per package, as applicable under section 3.

multiple features or packages are established/changed at the same time, on the same line/trunk, only one non-

charge applies as applicable under section 3.

for changes made, once the service has been established as applicable under section 3.

apply, per trunk.

FILED

JUN 30 1998

MISSOURI
Public Service Commission

ED: May 26, 1998

EFFECT

By: Charles J. Gardella, VP Legislative and Regulatory Affairs
#1 Brooks Center Parkway
Town & Country, MO 63017

JUN 30 1998
Schedule Brooks Fiber
Page 4 of 4

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SECTION 2 - RULES AND REGULATIONS

JUN 9 1997

2.1 APPLICATION OF TARIFF

**MISSOURI
Public Service Commission**

- 2.1.A This tariff contains the Rates, Rules and Regulations governing the resale of prepaid basic local telecommunications service by Max-Tel in those exchanges of incumbent local exchange companies in the State of Missouri specified in this tariff.
- 2.1.B The telecommunications services of Max-Tel are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services. However, services under this tariff are conditioned upon the continued availability of the various services provided to Max-Tel by its underlying carriers.
- 2.1.C The rates and regulations contained in this tariff apply only to services provided through Max-Tel's underlying contracted carrier, and do not apply, unless otherwise specified, to the lines, facilities, or other services provided by any other local exchange telephone company or other common carrier for use in accessing the services of Max-Tel.
- 2.1.D Where not specifically stated otherwise herein, Max-Tel concurs in the conditions, limitations and restrictions applying to and governing services offered by Southwestern Bell Telephone Company in its local and general exchange tariffs on file with and approved by the Public Service Commission of the State of Missouri and in any amendments or revisions thereto as authorized by the Missouri Public Service Commission or applicable law.
- 2.1.E Applications for initial or additional service made by the customer to Max-Tel, either verbally or in writing, upon acceptance by Max-Tel and the establishment of the service or facility, shall become a contractual obligation subject to the provisions of this tariff and applicable Commission rules.

Issued: June 9, 1997

By: Mark Maxey
President
Max-Tel Communications, Inc.
102 W. Franklin
Alvord, TX 76225

Effective: December 5, 1997

Schedule Max-Tel
Page 1 of 7

FILED
DEC 5 1997
97-342
MO. PUBLIC SERVICE COMMISSION

Max-Tel Communications, Inc.'s Missouri service areas shall be limited to the following exchanges:

3.3.A Southwestern Bell Telephone Company:

Adrian
Advance
Agency
Altenburg-Frohn
Antonia
Archie
Argyle
Armstrong
Ash Grove
Beaufort
Bell City
Belton
Benton
Billings
Bismarck
Bloomfield
Bloomsdale
Blue Springs
Bonne Terre
Boonville
Bowling Green
Bridgeton
Brookfield
Camdenton
Campbell
Cape Girardeau
Cardwell
Carl Junction
Carrollton
Carthage
Caruthersville
Cedar Hill
Center
Chaffee
Charleston
Chesterfield
Chillicothe
Clarksville
Clever
Climax Springs
Creve Couer
De Kalb
De Soto
Deering
Delta
Dexter
Downing
E. Independence
East Prairie
Edina

Eldon
Elsberry
Essex
Eureka
Excelsior Springs
Fair Grove
Farley
Farmington
Fayette
Fenton
Ferguson
Festus-
Crystal City
Fisk
Flat River
Florissant
Frankford
Fredericktown
Freeburg
Fulton
Gideon
Gladstone
Glasgow
Grain Valley
Gravois Mills
Gray Summit
Greenwood
Hannibal
Harvester
Hayti
Herculaneum-
Pevely
Higbee
High Ridge
Hillsboro
Holcomb
Homersville
Imperial
Independence
Jackson
Jasper
Joplin
Kansas City
Kennett
Kirksville
Kirkwood
Knob Noster
La Monte
Ladue
Lake Ozark

Lamar
Lancaster
Leadwood
Lees Summit
Liberty
Lilbourn
Linn
Lockwood
Louisiana
Macks Creek
Malden
Manchester
Marble Hill
Marceline
Marionville
Marshall
Marston
Maxville
Mehlville
Meta
Mexico
Moberly
Monett
Montgomery City
Morchouse
Nashua
Neosho
Nevada
New Franklin
New Madrid
Nixa
Oak Ridge
Oakville
Old Appleton
Oran
Osage Beach
Overland
Pacific
Parkville
Patton
Paynesville
Perryville
Pierce City
Pocahontas-
New Wells
Pond
Poplar Bluff
Portages des
Sioux
Portageville

Puxico
Quilin
Ray City
Republic
Richmond
Richwoods
Risco
Riverview
Rogersville
Rushville
St. Charles
St. Clair
St. Joseph
St. Louis
St. Marys
Ste. Genevieve
San Antonio
Sappington
Scott City
Sedalia
Senath
Sikeston
Slater
Smithville
South Kansas
City
Spanish Lake
Springfield
Stanberry
Strafford
Tiffany Springs
Trenton
Tuscumbia
Union
Valley Park
Versailles
Vienna
Walnut Grove
Wardell
Ware
Washington
Webb City
Webster Groves
Wellsville
Westphalia
Willard
Wyatt

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JUN 9 1997

**MISSOURI
Public Service Commission**

Issued: June 9, 1997

**By: Mark Maxey
President
Max-Tel Communications, Inc.
102 W. Franklin
Alvord, TX 76225**

Effective: December 5, 1997

FILED

**DEC 5 1997
97-342**

**Schedule Max-Tel
Page 2 of 7**

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SECTION 4 - RATES AND CHARGES

JUN 9 1997

BASIC LOCAL SERVICE

MISSOURI
Public Service Commission

<u>LOCAL SERVICE</u>	<u>RATES</u>	<u>INITIATION FEES</u>
Basic Local Service	\$39.99/per mo.	\$69.00
Call Waiting	8.00/per mo.	10.00
Call Return	5.00/per mo.	10.00
Caller ID	10.00/per mo.	10.00
Call Block	5.00/per mo.	10.00
Auto Redial	5.00/per mo.	10.00
Call Forwarding	5.00/per mo.	10.00
Priority Call	5.00/per mo.	10.00
Three-Way Calling	5.00/per mo.	10.00
Speed Calling	5.00/per mo.	10.00
Custom Package without ID	20.00/per mo.	10.00

Above rates do not include the taxes and surcharges specified in Section 4.5 of this tariff.

INITIATION FEE

Max-Tel Communications, Inc. shall charge a flat fee of \$69.00 for initiation of services, which includes the first month's basic local service fee of \$39.99. The initiation fee is nonrefundable. The initiation fee is due and payable before the service is activated. If service is ever disconnected and terminated, the customer shall pay another initiation fee prior to receiving service.

CANCELLED

AUG 01 1998

By SR#20
Public Service Commission
MISSOURI

Filed: June 9, 1997

By: Mark Maxey
President
Max-Tel Communications, Inc.
102 W. Franklin
Alvord, TX 76225

Effective: December 5, 1997

FILED

DEC 5 1997
97-342
MO. PUBLIC SERVICE COMM.
Schedule Max-Tel
Page 3 of 7

RATES AND CHARGES

BASIC LOCAL SERVICE

<u>SERVICE</u>	<u>RATES</u>	<u>INITIATION FEES</u>
Basic Local Service	\$44.99/per mo. I	\$69.00
Call Waiting	8.00/per mo.	10.00
Call Return	5.00/per mo.	10.00
Caller ID	10.00/per mo.	10.00
Call Block	5.00/per mo.	10.00
Auto Redial	5.00/per mo.	10.00
Call Forwarding	5.00/per mo.	10.00
Priority Call	5.00/per mo.	10.00
Three-Way Calling	5.00/per mo.	10.00
Speed Calling	5.00/per mo.	10.00
Custom Package without ID	20.00/per mo.	10.00

Above rates do not include the taxes and surcharges specified in Section 4.5 of this tariff.

INITIATION FEE

Max-Tel Communications, Inc. shall charge a flat fee of \$69.00 for initiation of services, which includes the first month's basic local service fee of \$44.99. The initiation fee is nonrefundable. The initiation fee is due and payable before the service is activated. If service is ever disconnected and terminated, the customer shall pay another initiation fee prior to receiving service.

CANCELLED

MAR 15 1998

By *2nd RS#20*
Public Service Commission
MISSOURI

Issued: July 9, 1998

By: Mark Maxey
President
Max-Tel Communications, Inc.
102 W. Franklin
Alvord, TX 76225

Effective: August 1, 1998

WRITTEN NOTICE OF RATE INCREASE
AND ITS EFFECTIVE DATE FILED ON

11/9/98
(DATE)

PURSUANT TO SECTION 392.500 (2)
RSMO SUPP. 1998

EFFECTIVE DATE OF RATE INCREASE

8/1/98
(DATE)

Missouri Public
Service Commission

N 4 - RATES AND CHARGES

REC'D FEB 03 1999

BASIC LOCAL SERVICE

<u>SERVICE</u>	<u>RATES</u>	<u>INITIATION FEES*</u>	
Basic Local Service	\$44.99/per mo.	\$69.00	
Call Waiting	10.00/per mo.		I
Call Return	5.00/per mo.		R
Caller ID	12.00/per mo.	10.00	I
Call Block	5.00/per mo.		R
Auto Redial	5.00/per mo.		R
Call Forwarding	5.00/per mo.		R
Priority Call	5.00/per mo.		R
Three-Way Calling	5.00/per mo.		R
Speed Calling	5.00/per mo.		R
Unlisted Number	5.00/per mo.	15.00	N
Custom Package without Caller ID or Unlisted Number	20.00/per mo.		R

Per Successful Activation

Call Trace	\$	6.00	N
------------	----	------	---

The above rates do not include the taxes and surcharges specified in Section 4.5 of this tariff.

Unless noted, initiation fees will not be charged for additional services ordered at the time of initiation of service. A \$20.00 fee will be charged to add an additional service(s) to an existing customer. I

2 INITIATION FEE

Max-Tel Communications, Inc. shall charge a flat fee of \$69.00 for initiation of services, which includes the first month's basic local service fee of \$44.99. The initiation fee is nonrefundable. The initiation fee is due and payable before the service is activated. If service is ever disconnected and terminated, the customer shall pay another initiation fee prior to receiving service.

CANCELLED

Missouri Public
Service Commission

AUG 11 2000

FILED MAR 15 1999

By

34 RS 20
Public Service Commission

MISSOURI

Effective: March 15, 1999

Issued: February 5, 1999

By: Mark Maxey
PresidentMax-Tel Communications, Inc.
102 W. Franklin
Alvord, TX 76225Schedule Max-Tel
Page 5 of 7

SECTION 4 - RATES AND CHARGES

Missouri Public
Service Commission

REC'D AUG 01 2000

BASIC LOCAL SERVICES

<u>BASIC SERVICE</u>	<u>RATES</u>	<u>INITIATION FEES</u>	
Basic Local Service	\$44.99 plus tax/mo.	\$49.99	(R)
Call Waiting	\$10.95/per mo.		(1)
Call Return	\$ 5.95/per mo.		(1)
Caller ID	\$12.95/per mo.	10.00	(1)
Call Block	\$ 5.95/per mo.		(1)
Auto Redial	\$ 5.95/per mo.		(1)
Call Forwarding	\$ 5.95/per mo.		(1)
Priority Call	\$ 5.95/per mo.		(1)
Three-way Calling	\$ 5.95/per mo.		(1)
Speed Dial	\$ 5.95/per mo.		(1)
Unlisted Number	\$ 5.95/per mo.	15.00	(1)
Custom Package without Caller ID or Unlisted Number	\$20.00/per mo.		

Call Trace

Per Successful Activation
\$6.00

CANCELLED

SEP 14 2000

4/4 25 20
Public Service Commission
MISSOURI

The above rates do not include the taxes and surcharges specified in Section 4.5 of this tariff.

*Unless noted, initiation fees will not be charged for additional services ordered at the time of initiation of service. A \$20.00 fee will be charged to add a additional service(s) to an existing customer.

4.2 INITIATION FEE

Max-tel Communications, Inc. shall charge a flat fee of 49.99 for initiation of services, (R) which includes the first month's basic local service fee of \$44.99. The initiation fee is nonrefundable. The initiation fee is due and payable before the service is activated. If service is ever disconnected And terminated, the customer shall pay another fee prior to receiving service.

Missouri Public
Service Commission

FILED AUG 11 2000

Issued: August 1, 2000

By: Mark Maxey
President
Max-tel Communications, Inc.
105 N. Wickham
Alvord, TX 76225

Effective: August 11, 2000

Schedule Max-Tel
Page 6 of 7

SECTION 4 - RATES AND CHARGES

Missouri Public
Service Commission

REC'D 106 14 2000

4.1 BASIC LOCAL SERVICES

<u>BASIC SERVICE</u>	<u>RATES</u>	<u>INITIATION FEES</u>
Basic Local Service	\$44.99 plus tax/mo.	\$49.99
Call Waiting	\$10.95/per mo.	
Call Return	\$ 5.95/per mo.	
Caller ID	\$12.95/per mo.	10.00
Call Block	\$ 5.95/per mo.	
Auto Redial	\$ 5.95/per mo.	
Call Forwarding	\$ 5.95/per mo.	
Sel. Call Forwarding	\$ 5.95/per mo.	
Priority Call	\$ 5.95/per mo.	
Three-way Calling	\$ 5.95/per mo.	
Speed Dial	\$ 5.95/per mo.	
Unlisted Number	\$ 5.95/per mo.	15.00
Custom Package without Caller ID or Unlisted Number	\$20.00/per mo.	
<u>Per Successful Activation</u>		
Call Trace		\$6.00
PKG. 1	\$35.95	Free w/initial order (N)
(Call Waiting, 3-Way, Speed Dialing,		(N)
Selective Call forwarding,		(N)
Call return & Caller ID)		(N)
PKG. 2	\$20.95	Free w/initial order (N)
(Call Waiting, 3-Way, Speed Dialing,		(N)
Selective Call Forwarding & Call Return)		(N)
PKG. 3	\$15.95	Free w/initial order (N)
(Call Waiting, 3-Way & Call Forwarding)		(N)

The above rates do not include the taxes and surcharges specified in Section 4.5 of this tariff.

*Unless noted, initiation fees will not be charged for additional services ordered at the time of initiation of service. A \$20.00 fee will be charged to add a additional service(s) to an existing customer.

4.2 INITIATION FEE

Max-tel Communications, Inc. shall charge a flat fee of 49.99 for initiation of services, which includes the first month's basic local service fee of \$44.99. The initiation fee is nonrefundable. The initiation fee is due and payable before the service is activated. If service is ever disconnected And terminated, the customer shall pay another fee prior to receiving service.

Issued: August 14, 2000

By: Mark Maxey
President
Max-tel Communications, Inc.
105 N. Wickham
Alvord, TX 76225

Effective: September 14, 2000

Schedule Max-Tel
Page 7 of 7

Missouri Public
Service Commission

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SECTION 3 - DESCRIPTION OF SERVICE, CONT.

OCT 14 1997

Local Service Areas

MISSOURI

Intermedia Communications Inc. provides local exchange and basic local exchange telecommunications service in the following exchanges currently served by Southwestern Bell telephone. The geographic area in which service is to be offered follows the exchange boundaries and is no smaller than an exchange. Intermedia concurs in Southwestern Bell's local calling scopes that apply to the specified exchanges.

The Kansas City Metropolitan Exchange and the exchanges in following zones:

<u>Zone 1</u>	<u>Zone 2</u>
Gladstone	Belton
Independence	Blue Springs
Parkville	East Independence
Raytown	Lee's Summit
South Kansas City	Liberty
	Nashua
	Tiffany Springs

The St. Louis Metropolitan Exchange and the exchanges in following zones:

<u>Zone 1</u>	<u>Zone 2</u>
Ferguson	Bridgeton
Ladue	Creve Coeur
Mehlville	Florissant
Overland	Kirkwood
Riverview	Oakville
Sappington	Spanish Lake
Webster Groves	

CANCELLED

NOV 14 1998

By ISERS#50
Public Service Commission
MISSOURI

The Springfield Metropolitan Exchange and the exchanges in the Metropolitan Calling Area Zone:

Metropolitan Calling Area Zone
Fair Grove
Nixa
Republic
Rogersville
Strafford
Willard

ISSUED: October 14, 1997

EFFECTIVE: ~~November 1, 1997~~
DEC 12 1997

Issued by: Michael A. Viren, Sr. Vice President, Strategic Planning, Regulatory and Industry Relations
3625 Queen Palm Drive
Tampa, Florida 33619-1309
Schedule Intermedia
Page 1 of 2

DEC 12 1997
97-264
PUBLIC SERVICE

Missouri Public
Service Commission

SECTION 3 - DESCRIPTION OF SERVICE, CONT.

REC'D OCT 13 1998

1. Service Areas

Intermedia Communications Inc. provides local exchange and basic exchange telecommunications service in the following exchanges currently served by Southwestern Bell Telephone. The geographic area in which service is to be offered follows the exchange boundaries and is no smaller than an exchange. Intermedia concurs in Southwestern Bell's local calling scopes that apply to the specified exchanges.

[Reserved for Future Use]

(D)

(D)

The St. Louis Metropolitan Exchange and the exchanges in following zones:

<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 4</u>
Ferguson	Bridgeton	Manchester	Harvester
Ladue	Creve Coeur	Chesterfield	
Mehlville	Florissant	St. Charles	
Overland	Kirkwood	Fenton	
Riverview	Oakville	Valley Park	
Sappington	Spanish Lake		
Webster Groves			

(T)

(T)

[Reserved for Future Use]

(D)

CANCELLED

(D)

JAN 22 2000

By *[Signature]*
Public Service Commission
MISSOURI

Missouri Public
Service Commission

FILED NOV 14 1998

ISSUED: October 13, 1998

EFFECTIVE: ~~NOV 14 1998~~

Issued by: Steve Brown, Director,
Regulatory Analysis and Compliance
3625 Queen Palm Drive
Tampa, Florida 33619-1309

NOV 14 1998

Schedule Intermedia
Page 2 of 2

DESCRIPTION OF SERVICES

NOV 14 1997

3.1 Resold Local Exchange Service

Resold local exchange service is provided by the Company through resale of local exchange access and local exchange service provided by an Underlying Carrier. The Company's Services consist of (i) Prepaid Service, (ii) Optional Service Features, (iii) Directory Listing Service, and (iv) 911 Service.

3.1.1 Prepaid Service is a prepaid, switched, intrastate, telecommunications service which permits Customers to establish communications between two locations within the State of Missouri. Prepaid Service is Available only within a Local Calling Area as describe in Section 2.27.

3.1.1.A Prepaid Service provides a Customer with a single, voice-grade communications channel, including a telephone number and a Directory Listing. The Company's Prepaid Service permits a Customer to: (i) place calls within the Local Calling Area; (ii) access 911 Service if available in the Customer's Local Calling Area; (iii) place calls to toll-free "800" or "888" telephone numbers. The Company's Prepaid Service does not permit a Customer to originate calls to direct dial (1+) or (0+) toll services; to caller-paid information services (e.g., "900", "976", "711"); or (0-) access or services. Calls to telephone numbers used for toll services and caller-paid information services will be blocked by the Company.

3.1.1.B Standard Features. Each Prepaid Service Customer is provided with only local exchange service.

3.1.1.C Optional Features. Prepaid Service Customers may select from the following optional features: (i) Call Waiting, (ii) Call Forwarding, (iii) Call Return, (iv) Caller ID, (v) Three Way Calling, (vi) Speed Dial and (vii) Unpublished Number.

3.1.1.D Rates and Charges. The Company will charge a Prepaid Service Customer applicable Non-Recurring Charges, monthly Recurring Charges, and Usage Charges as specified in Section 4.4.1.

Issued: November 14, 1997

Effective: December 20, 1997

James Graham, President
Comm South Companies, Inc.
d/b/a Missouri Comm South, Inc.
6830 Walling Lane
Dallas, Texas 75231

Schedule Comm South
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JAN 05 1998

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JAN 05 1998

37-203

MISSOURI SERVICE COM

4.4

Rates for Resold Local Exchange Services

NOV 14 1997

4.4.1.A Non-Recurring Charges

Directory Listing

MISSOURI
Public Service Commission
No Charge

Processing fee

\$40.00

4.4.1.B Recurring Charges

Monthly Prepaid Service

\$40.50
plus 911 charges and all
applicable state and federal
fees and taxes

Directory Listing

No Charge

4.4.1.C Optional Features

4.4.1.C.1

Non-Recurring Charges

Caller ID Set Up Fee¹

\$10.00

4.4.1.C.2

Recurring Charges

Call Waiting

\$5.00

Call Forwarding

\$5.00

Three Way Calling

\$5.00

Unpublished Number

\$5.00

Speed Dial

\$5.00

Call Return

\$5.00

All Options

\$20.00

Caller ID

\$10.00

¹ The Caller ID Set Up Fee is a one time charge levied by the Company to cover charges of the underlying carrier to set up this service.

Dated: November 14, 1997

Effective: ~~November 28, 1997~~

James Graham, President
Comm South Companies, Inc.
d/b/a Missouri Comm South, Inc. Schedule Comm South
6830 Walling Lane
Dallas, Texas 75231

Page 2 of 3

JAN 05 1998

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JAN 05 1998

97-203
MO. PUBLIC SERVICE COM.

INTRODUCTION

This tariff (Tariff) contains the regulations and rates applicable to the furnishing of intrastate, common carrier telecommunication resale services by Missouri Comm South Inc. (hereinafter sometimes referred to as "Comm South" or "the Company") between various locations in the State of Missouri. This Tariff applies to the company's resale of telecommunications services within the following Southwestern Bell Telephone Company exchanges:

Adrian	Dexter	Kennett	Pocahontas-New
Advance	Downing	Kirksville	Wells
Agency	East Prairie	Knob Noster	Pond
Altenburg-Frohna	Edina	Lake Ozark-Osage	Poplar Bluff
Antonia	Eldon	Beach	Portage Des Sioux
Archie	Elsberry	Lamar	Portageville
Argyle	Essex	LaMonte	Puxico
Armstrong	Eureka	Lancaster	Quin
Ash Grove	Excelsior Springs	Leadwood	Richmond
Beaufort	Farley	Lilbourn	Richwoods
Bell City	Farmington	Linn	Risco
Benton	Fayette	Lockwood	Rushville
Billings	Fenton	Louisiana	Ste. Genevieve
Bismarck	Festus-Crystal City	Macks Creek	St. Charles
Bloomfield	Fisk	Malden	St. Clair
Bloomsdale	Fiat River	Manchester	St. Joseph
Bonne Terre	Frankford	Marble Hill	St. Louis Metro
Boonville	Fredericktown	Marceline	St. Marys
Bowling Green	Freeburg	Marionville	San Antonio
Brookfield	Fulton	Marshall	Scott City
Camdenton	Gideon	Marston	Sedalia
Campbell	Glasgow	Maxville	Senath
Cape Girardeau	Grain Valley	Meta	Sikeston
Cardwell	Gravois Mills	Mexico	Slater
Carl Junction	Gray Summit	Moberly	Smithville
Carrollton	Greenwood	Monette	Springfield
Carthage	Hannibal	Montgomery City	Stanberry
Caruthersville	Harvester	Morehouse	Trenton
Cedar Hill	Hayti	Neosho	Tuscumbia
Center	Herculaneum -	Nevada	Union
Chaffee	Pevely	New Franklin	Valley Park
Charleston	Higbee	New Madrid	Versailles
Chesterfield	High Ridge	Oak Ridge	Vienna
Chillicothe	Hillsboro	Old Appleton	Walnut Grove
Clarksville	Holcomb	Oran	Wardell
Clever	Hornersville	Pacific	Ware
Climax Springs	Imperial	Patton	Washington
Deering	Jackson	Paynesville	Webb City
DeKalb	Jasper	Perryville	Wellsville
Delta	Joplin	Pierce City	Westphalia
DeSoto	Kansas City Metro		Wyatt

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Issued: November 14, 1997

Effective: December 20, 1997

James Graham, President
Comm South Companies, Inc.
d/b/a Missouri Comm South, Inc.
6830 Walling Lane
Dallas, Texas 75231

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97-283

MO. PUBLIC SERVICE COMM
Schedule Comm South
Page 3 of 3

Tariff Reference
SWBT PSC Mo. 24 §1.2

PRODUCTS/SERVICES (continued)

2.2 Exchange Access Lines (continued)

2.2.1 Main Service (continued)

B. Residence Rates and Charges (2)

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Public Service Commission

Group	Flat Rate 1- Party	Message 1-Party (3)	Flat Rate Trunk	Measured 1-Party(3)
A	\$7.55	\$5.65	11.70	4.15
B	9.10	6.50	14.10	5.00
C-Principal	10.10		15.50	5.70
C- Metropolitan Calling Area-1	11.40		17.65	6.25
D-Principal	11.35	7.75	17.60	6.25
D- Metropolitan Calling Area-1	11.85		18.35	6.50
D- Metropolitan Calling Area-2	12.50		19.40	6.90

(2)(3) See Sheet 18

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: December 28, 1997

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Tariff Reference
SWBT PSC Mo. 24 §1.2

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PRODUCTS/SERVICES (continued)

2.2 Exchange Access Lines (continued)

2.2.1 Main Service (continued)

A. Business Rates and Charges (6)

NOV 13 1997

MISSOURI
Public Service Commission

Group	Flat Rate Trunk (9)	1 st Message Trunk (1)	Add'l message Trunk (1)	Multiline	Information Terminal
A	\$21.95	\$19.80(4)	\$9.30	\$21.95	\$21.95
B	30.05	23.20(4)	12.70	30.05	30.05
C-Principal	33.15	25.00(4)	14.50	33.15	33.15
C- Metropolitan Calling Area-1	36.45	30.50(4)	15.40	36.45	36.45
D-Principal	43.60	28.95(5)	18.45	43.60	43.60
D- Metropolitan Calling Area-1	45.50	29.75(5)	18.45	45.50	45.50
D- Metropolitan Calling Area-2	48.00	30.80(5)	18.45	48.00	48.00

See Sheet 16 (1)(2)(3)(4)(5)(6)(7)

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

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Rate Reference

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SWBT-PSC Mt. 24 §12

PRODUCTS/SERVICES (continued)

NOV 13 1997

2.2 Exchange Access Lines (continued)

2.2.1 Main Service

MISSOURI
Public Service Commission

A. Business Rates and Charges (6)

Group	Flat Rate	Message Rate	Measured
	<u>1-Party</u>	<u>1 Party (1)(7)</u>	<u>1-Party(7)</u>
A	\$16.85	\$14.55	\$9.30
B	23.10	17.95	12.70
C -Principal	25.70	19.75	14.50
C -Metropolitan			
Calling Area-1	28.00	24.10	15.45
D-Principal	33.55	23.70	18.45
D -Metropolitan			
Calling Area-1	35.00	24.50	19.25
D -Metropolitan			
Calling Area-2	36.95	25.55	20.30

Footnotes (1)(6)(7) See Sheet 16

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: ~~December 28, 1997~~
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Schedule Omniplex
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PRODUCTS/SERVICES (continued)

2.2 Exchange Access Lines (List of Exchanges by Rate Group)

Rate Group B				
Andenton	Farmington	Imperial	Monett	St. Joseph
Boone Girardeau	Fenton	Jackson	Moberly	Sedalia
Carthage	Festus Crystal City	Joplin	Neosho	Sikeston
Cedar Hill	Flat River	Kennett	Nevada	Union
Chesterfield	Fredericktown	Kirksville	Pacific	Valley Park
Chillicothe	Fulton	Lake Ozark- Osage Beach	Perryville	Washington
DeSoto	Gravois Mills	Manchester	Pond	Webb City
Dexter	Hannibal	Marshall	Poplar Bluff	
Eldon	Harvester	Maxville	St. Charles	
Excelsior Springs	High Ridge	Mexico	St. Clair	RECEIVED

Rate Group C

Springfield Metro Area

Metro Calling Area 1

Principal Zone Base Rate Area

Fair Grove

Nixa

Republic

Rogersville

Strafford

Willard

Rate Group D

Kansas City Metro Exchange

Calling Area 1

Gladstone

Independence

Parkville

Raytown

South Kansas City

Calling Area 2

Belton

Blue Springs

East Independence

Lee's Summit

Liberty

Nashua

Tiffany Springs

St. Louis Metro Exchange

Calling Area 1

Ferguson

Ladue

Mehlville

Overland

Riverview

Sappington

Webster Groves

Calling Area 2

Bridgeton

Creve Coeur

Florissant

Kirkwood

Oakville

Spanish Lake

Issued: November 13, 1997

Richard Petty
 USA eXchange L.L.C.
 d/b/a OMNIPLEX Communications Group
 Chesterfield, Missouri

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 Page 4 of 9

PRODUCTS/SERVICES (continued)

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2.2 Exchange Access Lines (List of Exchanges by Rate Group)

Rate Group A

NOV 18 1997

MISSOURI

Public Service Commission

Adrian	Caruthersville	Glasgow	Marble Hill	Risco
Advance	Center	Grain Valley	Marceline	Rushville
Agency	Chaffee	Gray Summit		Ste. Genevieve
Albionburg- Prohara	Charleston	Greenwood	Marionville	St. Marys
Antonia	Clarksville	Hayti	Marston	San Antonio
Archie	Claver	Herculaneum- Pevely	Meta	Scott City
Argyle	Climax Springs	Higbee	Montgomery City	Senath
Armstrong	Deering	Hillsboro	Morehouse	Slater
Ash Grove	DeKalb	Holcomb	New Franklin	Smithville
Beaufort	Delta	Hornersville	New Madrid	Stanberry
Bell City	Downing		Oak Ridge	Trenton
Benton	East Prairie	Jasper	Old Appleton	Tuscumbia
Billings	Edina	Knob Noster	Oran	Versailles
Bismark	Elsberry	Lamar	Patton	Vienna
Bloomfield	Essex	LaMonte	Paynesville	Walnut Grove
Bloomsdale	Eureka	Lancaster	Pierce City	Wardell
Bonne Terre	Farley	Leadwood	Pocohontas- New Wells	Ware
Boonville	Fayette	Lilbourne	Portage DesSioux	Wellesville
Bowling Green		Linn	Portageville	Westphalia
Brookfield	Fisk	Lockwood	Puxico	Wyatt
Campbell	Frankford	Louisiana	Qulin	
Cardwell	Freeburg	Macks Creek	Richmond	
Carl Junction	Gideon	Malden	Richwoods	
Carrolton				

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: ~~December 28, 1997~~

JAN 30 1998

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JAN 30 1998

MO. PUBLIC SERVICE COM
Schedule Omniplex
Page 5 of 9

EXCHANGE SERVICES CONCURRENCE

PRODUCTS/SERVICES (continued)

Exchange Access Lines

The Company concurs in the rules and regulations, including all footnotes thereto, applying to and governing Local Exchange telephone service (hereinafter referred to as Exchange Access Lines service) as set forth in the Southwestern Bell Telephone Company Local Exchange tariff on file with and approved by the Public Service Commission of the State of Missouri, and in any amendments thereto as authorized by the Missouri Public Service Commission or applicable law. The Company does not concur in the rates of Southwestern Bell Telephone Company for Exchange Access Line telephone services. Rates for these services are set out in the following pages of this concurrence.

The Company reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of the Company and/or its customers.

Applicability

This tariff applies to the Telephone Company's resale of telecommunications services within Southwestern Bell Telephone Company exchanges which are located within the Telephone Company's authorized territories within the State of Missouri.

dated November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: ~~December 28, 1997~~

JAN 30 1998

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Page 6 of 9

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Tariff Reference

SWBT PSC Mo. 24 & 35

NOV 18 1997

MISSOURI

Public Service Commission

Tariff Reference
SWBT PSC Mo. 35 §47.4

2 PRODUCTS/SERVICES (continued)

2.1 General Exchange Vertical Services (continued)

2.1.2 Business Rates & Charges--EASYOPTIONS™

A. Per Line

The additional monthly rate is applicable only when multiple services are ordered as specified in

Paragraph 47.3.4 of Southwestern Bell's General Exchange Tariff.

	Monthly Rate		S&E Charge(1)
	First	Additional	
Calling Number Delivery	\$8.50	\$8.50	\$14.50
Calling Name Delivery	8.50	8.50	14.50
Call Forwarding	6.00	6.00	14.50
Remote Access to			
Call Forwarding	2.75	2.75	14.50
Call Waiting (2)	8.00	8.00	14.50
Three Way Calling	4.00	2.50	14.50
Call Return(+\$.50 per call)	4.00	2.50	14.50
Auto Redial(+\$.50 per call)	4.00	2.50	14.50
Priority Call	4.00	2.50	14.50
Speed Calling 30	4.00	2.50	14.50
Selective Call Forwarding	4.00	2.50	14.50
Call Blocker	4.00	2.50	14.50
Speed Calling 8 (3)	4.00	2.50	14.50
Verify per occasion	1.20		
Verify & Interrupt per occasion	1.85		

B. Per Line

The Additional monthly rates specified above are not applicable when ordered with the following services.

	Monthly Rate	S&E Charge(1)
Call Forwarding-Busy Line	\$3.00	14.50
Call Forwarding-Don't Answer	3.00	14.50
Call Forwarding-Busy Line/Don't Answer	4.00	14.50
ComCall™ (10)	2.50	14.50
Personalized Ring (4)		
One Dependent DN	6.00	14.50
Two Dependent DN's		
1st Dependent DN	6.00	14.50
2nd Dependent DN	2.00	14.50(5)
Simultaneous Call Forwarding	4.35	14.50(6)

Per Successful Activation

Call Trace (8) \$6.00

Call Return and Auto Redial per call charges have a monthly maximum of \$4.00

See Sheet 11 and 11.1 (1)(2)(3)(4)(5)(6)(8)(10) ComCall™ is a service mark of Southwestern Bell.

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: December 28, 1997

JAN 30 1998

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JAN 30 1998
9 7 - 50 6PUBLIC SERVICE COM
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Page 7 of 9

Tariff Reference
SWBT PSC Mo. 35 §47.4 & PSC 24

2. PRODUCTS/SERVICES (continued)

2.1 General Exchange Vertical Services (continued)

2.1.1 Residence Rates & Charges--EASYOPTIONSSM

A. Per Line

The additional monthly rate is applicable only when multiple services are ordered as specified in Paragraph 47.3.4 of Southwestern Bell's General Exchange Tariff.

Monthly Rate

	First	Additional	S&E Charge (1)
Calling Number Delivery (9)	\$6.50	\$6.50	\$7.75
Calling Name Delivery (9)	6.50	6.50	7.75
Call Return (+\$.50 per call)	3.50	3.50	7.75
Call Waiting (2)	8.00	8.00	7.75
Call Blocker	3.00	2.10	7.75
Call Forwarding	3.00	2.10	7.75
Remote Access to			
Call Forwarding	1.00	1.00	7.75
Three Way Calling	3.00	2.10	7.75
Auto Redial (+\$.50 per call)	3.00	2.10	7.75
Priority Call	3.00	2.10	7.75
Speed Calling 8	3.00	2.10	7.75
Selective Call Forwarding	3.00	2.10	7.75
Verify per occasion	1.20		
Verify & Interrupt per occasion	1.85		

B. Per Line

The additional monthly rates specified above are not applicable when ordered with the following services.

	Monthly Rate	S&E (1) Charge
Speed Calling 30(3)	\$ 6.55	\$7.75
Call Forwarding-Busy Line	.75	7.75
Call Forwarding-Don't Answer	.75	7.75
Call Forwarding-Busy Line/Don't Answer	1.00	7.75
ComCall (9)	2.00	7.75
Personalized Ring (4)		
One Dependent DN	4.00	7.75
Two Dependent DN's	---	7.75
1st Dependent DN	4.00	7.75
2nd Dependent DN	2.00	7.75 (5)
Simultaneous Call Forwarding	4.35	14.50 (6)

Per Successful Activation

Call Trace (8) \$6.00

See Sheet 11(2)(3)(4)(5)(6)(8) (9)

Call Return and Auto Redial per call charges have a monthly maximum of \$4.00

EasyOptionsSM is a service mark of Southwestern Bell

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: December 28, 1997

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97-506

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Page 8 of 9

VERTICAL SERVICES CONCURRENCE

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Tariff Reference
SWBT PSC Mo. 35 §47

2. PRODUCTS/SERVICES

NOV 13 1997

2.1 General Exchange Vertical Services

Except as set forth in Section 1 of this tariff (and as set forth herein), the Company concurs in the rules and regulations, including all footnotes thereto, of Southwestern Bell Telephone Company General Exchange tariff on file with and approved by the Public Service Commission of the State of Missouri, and in any amendments thereto as authorized by the Missouri Public Service Commission or applicable law. The Company does not concur in the rates for General Exchange Vertical Services of Southwestern Bell Telephone Company. Rates for these services are set out in the following pages of this concurrence. The Company reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of the Company and/or its customers.

Applicability

This tariff applies to the Telephone Company's resale of telecommunications services within Southwestern Bell Telephone Company exchanges which are located within the Telephone Company's authorized territories within the State of Missouri.

Issued: November 13, 1997

Richard Petty
USA eXchange L.L.C.
d/b/a OMNIPLEX Communications Group
Chesterfield, Missouri

Effective: ~~November 28, 1997~~

JAN 30 1998

FILED

JAN 30 1998
97-506
MO. PUBLIC SERVICE COMMISSION

SCHEDULE BAM-1HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.

SCHEDULE BAM-2HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.

SCHEDULE BAM-3HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.

SCHEDULE BAM-4HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.

SCHEDULE BAM-5HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.

NOTE: Based On JULY 17, 2001 NANPA CODE DATA
NOTE: Shading Represents Reduction In Codes Since JANUARY 30, 2001
NOTE: Bold Box Indicates Code Increase Since JANUARY 30, 2001

Count of NPA-NXX	Company	ADELPHIA BUSINESS SOLUTIONS OPERATIONS, INC. - MO	ALLEGIANCE TELECOM, INC. - MO	ALLTEL COMMUNICATIONS, INC. - MO	AT&T - LOCAL - MO	AT&T LOCAL	BIRCH TELECOM OF MISSOURI, INC.	BROADSPAN COMM, INC. DBA PRIMARY	BROOKS FIBER COMMUNICATIONS - MISSOURI	ESPIRE COMMUNICATIONS SERVICES, INC. - MO	EVEREST CONNECTIONS CORPORATION - MO	GABRIEL COMMUNICATIONS OF MISSOURI, INC.	GLOBAL CROSSING LOCAL SERVICES, INC. - MO	INTERMEDIA COMMUNICATIONS INC. - MO	LEVEL 3 COMMUNICATIONS, LLC - MO	MCLEOD USA TELECOMMUNICATIONS SERVICES, INC. - MO	OMNIPLEX COMMUNICATIONS GROUP, LLC - MO	SOUTHWESTERN BELL	SPRINT COMMUNICATIONS COMPANY, L.P. - MO	TCG KANSAS CITY, INC. - MO	TELEPORT COMMUNICATIONS GROUP - ST. LOUIS	TELENET, INC. - MO	WINSTAR WIRELESS, INC. - MO	WORLDCOM TECHNOLOGIES, INC. - MO	XO MISSOURI, INC.	Grand Total
ADRIAN	RC ABBRE																	1		1						2
ADVANCE																		1								1
AGENCY																		1								1
ALTEGFRHN																		1								1
ANTONIA												1						2								3
ARCHIE																		2								2
ARGYLE																		1								1
ARMSTRONG																		1								1
ASH GROVE												1						2								3
BEAUFORT																		1								1
BELL CITY																		1								1
BELTON(1)							1					1	1					4	1	1						9
BENTON																		1								1
BILLINGS												1						1								3
BISMARCK																		1								1
BLOOMFIELD																		1								1
BLOOMSDALE																		1								1
BLUE SPG (1)							1					1	1					6	1	1						12
BLYTHEVL																		1								1
BONNETERRE																		1								1
BOONVILLE																		1								1
BOWLNGGREN																		1								1
BROOKFIELD																		2								2
CAMDENTON																		3								3
CAMPBELL																		1								1
CAPEGIRARD																	1	9								10

4. 1. 1.

Schedule BAM-6
Page 3

Rebuttal Testimony

Barbara Meisenheimer

TO-2001-467

[illegible]

SCHEDULE BAM-7HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.

SCHEDULE BAM-8HC

HAS BEEN DEEMED

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY.