

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

In the Matter of a Request for the Modification)	
Of the Kansas City Metropolitan Calling Area Plan)	Case No. TO-2005-0144
To Make the Greenwood Exchange Part of the)	
Mandatory MCA Tier 2)	

**SOUTHWESTERN BELL TELEPHONE, L.P., D/B/A SBC MISSOURI'S
MOTION TO DISMISS OFFICE OF THE PUBLIC COUNSEL'S REQUEST FOR
EXPANSION OF THE ST. LOUIS METROPOLITAN CALLING AREA PLAN**

Comes now Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") and, for its Motion to Dismiss Office of the Public Counsel's ("OPC") Request for the Modification of the Kansas City Metropolitan Calling Area Plan to Make the Greenwood Exchange Part of the Mandatory MCA Tier 2, states as follows:

1. On November 22, 2004, OPC filed its Request for the Modification of the Kansas City Metropolitan Calling Area Plan to Make the Greenwood Exchange Part of the Mandatory MCA Tier 2. In its Request, OPC requests the Missouri Public Service Commission ("Commission") to change the Greenwood exchange from an optional Tier 3 exchange to a mandatory Tier 2 exchange.

2. SBC Missouri respectfully requests the Commission to dismiss OPC's Request for two reasons.

a. First, OPC's Request is an issue at least part of which is currently pending in at least two docketed cases. Specifically, OPC's Request is pending in: (1) In the Matter of a Further Investigation of the Metropolitan Calling Area Service After the Passage and Implementation of the Telecommunications Act of 1996, Case No. TO-2001-391; and (2) In the Matter of a Commission Inquiry into the Metropolitan Calling Area Plan and Calling Scopes in Missouri, Case No. TW-2004-0471. It is not appropriate for this same issue to be considered in multiple concurrent proceedings.

b. Second, OPC's Request is premature. On March 18, 2004, the Commission issued its Order Directing Notice and Establishing Working Group, In the Matter of a Commission Inquiry into the Metropolitan Calling Area Plan and Calling Scopes in General, Case No. TW-2004-0471 ("Order Directing Notice"). In its Order Directing Notice, the Commission indicated that it was establishing a Task Force to investigate and consider whether the MCA Plan, and calling scopes in general, should be amended, and if so, how.¹ On May 25, 2005, the Commission issued its Order Appointing Task Force Members and Scheduling Meeting ("Order Appointing Task Force Members").² In its Order Appointing Task Force Members, the Commission indicated: "Task Force members shall be responsible for filing periodic status reports and a Final Report and Recommendation to the Commission."³ The Task Force met on June 15th, June 24th, July 7th, July 21st, and September 15th.⁴ On September 29th, the Staff of the Missouri Public Service Commission ("Staff"), on behalf of the Task Force, submitted the Final Report and Recommendation of the Task Force ("Final Report"). In its Final Report, the Task Force recognized that there is a demand for new toll-free expanded calling plans within certain consumer communities of interest and there is a demand for changes to existing calling plans.⁵ The Task Force outlined methods of identifying these demands and recommended rules and a process for the Commission to adopt as a means to consider and address this demand for these consumers and for consumers in the future.⁶ To date, the Commission has not considered the Task Force recommendations, including the recommendation that previously filed petitions for

¹ See Order Directing Notice, Case No. TW-2004-0471, p. 3.

² See Order Appointing Task Force Members, Case No. TW-2004-0471, page 1.

³ See Order Appointing Task Force Members, Case No. TW-2004-0471, page 1.

⁴ See MCA/Calling Scope Task Force Final Report, Case No. TW-2004-0471, p. 1.

⁵ Id. at p. 2.

⁶ Id. at p. 2.

proposed modifications to the MCA be taken up and considered as filed petitions under the process proposed by the Task Force. The Commission should first consider the Task Force recommendations before considering this Request.

Wherefore, SBC Missouri prays that the Missouri Public Service Commission grants its Motion to Dismiss Request for the Modification of the Kansas City Metropolitan Calling Area Plan to Make the Greenwood Exchange Part of the Mandatory MCA Tier 2, together with any additional relief the Commission deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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