

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

In the Matter of the Request of Southwestern Bell)
Telephone, L.P., d/b/a SBC Missouri, for) Case No. TO-2006-0093
Competitive Classification Pursuant to Section) Tariff File No. YL-2006-0144
392.245.6, RSMo (2005) – 30 day Petition.)

**STAFF’S MOTION TO WAIVE RULE AND
PETITION TO REOPEN THE RECORD**

COMES NOW the Staff of the Missouri Public Service Commission and for its motion states:

1. Commission Rule 4 CSR 240-2.110 (8) states:

(8) A party may request that the commission reopen a case for the taking of additional evidence if the request is made after the hearing has been concluded, but before briefs have been filed or oral argument presented, or before a decision has been issued in the absence of briefs or argument. Such a request shall be made by filing with the secretary of the commission a petition to reopen the record for the taking of additional evidence in accordance with these rules, and serving the petition on all other parties. The petition shall specify the facts which allegedly constitute grounds in justification, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. The petition shall also contain a brief statement of the proposed additional evidence, and an explanation as to why this evidence was not offered during the hearing.

2. Because oral arguments have already been presented, the Staff requests a waiver of the deadline for filing this petition.

3. Commission Rule 4 CSR 240-2.015 states:

(1) A rule in this chapter may be waived by the commission for good cause.

4. The hearing in this case was held on September 16, 2006. At the hearing, Staff witness John Van Eschen testified that he did not know enough about St. Joseph Cable Vision at this time to conclude that the type of service provided by St. Joseph Cable Vision in the St. Joseph and San Antonio exchanges met the criteria for a competitive classification of SBC

Missouri's residential services in these two exchanges. (Tr. 135-145) The Staff suggests that the compressed timeframe in this 30-day proceeding provides good cause for the Commission to waive the deadline for filing to reopen the record and constitutes grounds in justification to reopen the record to hear from the Staff the results of the Staff's continued investigation of the type of service provided by St. Joseph Cable Vision.

5. The proposed evidence is the Supplemental Direct Testimony of Mr. Van Eschen, which the Staff is concurrently filing. The testimony explains that after the hearing the Staff has obtained additional information that St. Joseph Cable Vision is providing local voice service in the St. Joseph exchange. Therefore, the Staff recommends competitive classification of SBC Missouri's residential services in the St. Joseph exchange.

WHEREFORE, the Staff requests the Commission to waive the deadline for filing a petition to reopen the record, and then to reopen the record for the receipt of the Supplemental Direct Testimony of Staff witness Van Eschen.

Respectfully submitted,

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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 23rd day of September 2005.

/s/ David A. Meyer