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**February 10, 2000**

Mr. Dale Hardy Roberts  
Chief Administrative Law Judge  
MO Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

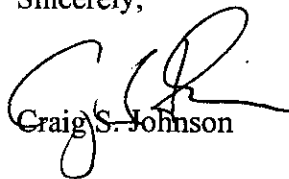
Re: TO2000-16

Dear Mr. Roberts:

Enclosed for filing please find an original and 15 copies of the Missouri Independent Telephone Group's Withdrawal of Motion, Consent to Dismissal of Docket, Without Prejudice. I have this date sent a copy of the enclosed motion to all counsel of record.

Thank you for seeing this filed.

Sincerely,

  
Craig S. Johnson

CSJ:skl

Enclosure

cc: OPC  
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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

FILED<sup>2</sup>

FEB 14 2000

Missouri Public  
Service Commission

In the Matter of the Motion to )  
Establish a Docket Investigating )  
The intraLATA Toll Service )  
Provisioning Practices of Missouri )  
Interexchange Carriers, Public )  
Utility or Common Carrier Duties )  
Of Interexchange Carriers, Motion )  
To Show Cause, Request for )  
Emergency Hearing, and Alternative )  
Petition for Suspension and Modification.)

Case No. TO-2000-16

**WITHDRAWAL OF MOTION,**  
**CONSENT TO DISMISSAL OF DOCKET, WITHOUT PREJUDICE**

COMES NOW the Missouri Independent Telephone Group (MITG), in response to the Commission's January 31, 2000 Order regarding procedural schedule, and prior orders of the Commission in this docket regarding the establishment of a procedural schedule, the possibility of a stipulation, and the possibility of a hearing, and hereby withdraws its July 9, 1999 "Motion to Establish a Docket Investigating the IntraLATA Toll Provisioning Practices of Interexchange Carriers, Public Utility or Common Carrier Duties, Motion to Show Cause, Request for Emergency Hearing, and alternative Petition for Suspension and Modification", and consents to the dismissal of this docket without prejudice to the issues raised herein. In support hereof, the MITG sets forth the following:

1. The MITG companies had their ILDPs approved the Commission in the spring of 1999. These ILDPs and approved customer notifications informed customers that AT&T was available as an intraLATA 1+ carrier if the customer requested AT&T,

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even though the Commission granted AT&T's request not to be on a list of eligible carriers attached to customer notifications.

2. On or about July 1, 1999, the MITG companies received a written communication from AT&T announcing AT&T's change of position and AT&T's direction to the MITG companies not to allow customers to select AT&T as an eligible intraLATA 1+ toll provider.

3. In response to this communication from AT&T, on or about July 9, 1999, the MITG (formerly the MMG) filed a motion to investigate IXC intraLATA toll service provisioning practices, to establish public utility/common carrier duties of IXCs, motion for AT&T to show cause, and alternative petition for suspension and modification. The motion requested an emergency hearing prior to the effective date of intraLATA toll dialing parity and customer presubscription regarding the issues of AT&T's obligation to serve and possible suspension and modification.

4. The Commission did not schedule any such request for disposition prior to the date of intraLATA toll dialing parity/presubscription implementation.

5. Subsequently to filing the July 9, motion, the MITG sought and obtained modifications to their ILDPs and to their customer notifications attempting to accomodate the AT&T situation.

6. As a result of the modified ILDPs and customer notifications, there has been some mitigation of the concerns raised by AT&T's change of position. The basic issues remain unresolved, and if AT&T's ongoing efforts to exit former SC markets are successful, and other IXCs do the same, the concerns and issues will be revived.

7. Proceedings in this docket have been unsuccessful in producing a stipulation of facts upon which the Commission can address the issues raised in this docket. The MITG does not believe the parties will stipulate to the facts necessary for resolution of the issues raised in this docket.

8. Due to this history, the MITG no longer believes it to be an efficient utilization of time and resources to pursue this docket to full evidentiary hearing.

9. The MITG wishes to make it clear that the issues have not been resolved, and may arise in future proceedings. For example, there do remain customers who were allowed to select AT&T as their 1+ intraLATA toll carrier prior to AT&T's change of position. Other customers were not allowed to select AT&T as their 1+ intraLATA toll carrier after AT&T's July 1, 1999 communication and establishment of this docket. This disparity in treatment has caused and will continue to cause some degree of customer frustration and unrest.

10. Should the Commission decide to dismiss or close this docket, it should be done without prejudice to the issues raised herein in order not to preclude customers and carriers from relitigating the issues in any subsequent proceedings.

WHEREFORE, the MITG hereby withdraws its July 9, 1999 Motions and consents to dismissal of this docket without prejudice to any determination of the issues raised herein.

ANDERECK, EVANS, MILNE  
PEACE & JOHNSON

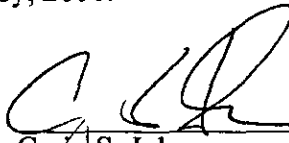
BY 

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ATTORNEYS FOR THE  
MISSOURI INDEPENDENT  
TELEPHONE GROUP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all counsel of record by first class mail this 11th day of February, 2000.

  
Craig S. Johnson