

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Investigation of the State of)
Competition in the Exchanges of Southwestern Bell)
Telephone Company.) **Case No. TO-2001-467**

ORDER SETTING PROCEDURAL CONFERENCE

Issue Date: November 16, 2005

Effective Date: November 16, 2005

The Court of Appeals of Missouri, Western District, directed that this case be remanded to the Commission for further findings regarding the competitive status of exchanges that the Commission erroneously determined had become competitive by operation of law. On March 18, 2005, the Circuit Court of Cole County remanded the case to the Commission with instructions to conduct further proceedings in compliance with the Court of Appeals opinion.

The parties have filed recommendations regarding the procedure to be followed, but are in disagreement as to whether additional evidence needs to be gathered. In addition, since the time of the remand of this case, the Missouri legislature passed Senate Bill 237,¹ which significantly modifies the standards by which telecommunications services are considered competitive.

The Commission notes that the statutory changes found in Senate Bill 237 are now effective. Moreover, in Case Nos. TO-2006-0093 and TO-2006-0102, the Commission has found that the business and residential services in many of SBC Missouri's exchanges

¹ CCS/HCS/SS/SCS/SB 237, 93rd General Assembly, First Regular Session (Mo. 2005).

meet the new statutory standards for competitive classification. In addition, the Commission has pending before it Case No. TO-2005-0035, involving similar issues.

The Commission will direct the parties to appear at a procedural conference to discuss what issues, if any, remain to be decided and by what method the parties propose to resolve these issues. The parties should be prepared to discuss: a) what issues remain for Commission determination; b) what additional evidence, if any, would be needed for the Commission to make that determination; c) the effects of the new law on the current case; d) the effect Case Nos. TO-2005-0035, TO-2006-0093, and TO-2006-0102 have on this case, if any; and e) what procedure the Commission should follow to resolve this case.

IT IS THEREFORE ORDERED:

1. That the parties shall appear at a procedural conference on December 5, 2005, beginning at 10:00 a.m.

2. That the conference will be held in the Commission's office in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate in the conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.

3. That this order shall become effective on November 16, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 16th day of November, 2005.