

# BEFORE THE PUBLIC SERVICE COMMISSION

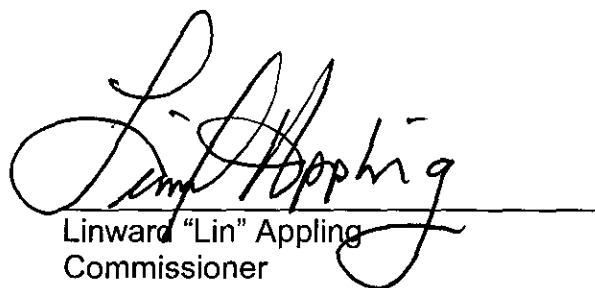
## OF THE STATE OF MISSOURI

In Re the Matter of the Request of Southwestern Bell )  
Telephone, L.P., d/b/a SBC Missouri, for Competitive ) **Case No. TO-2006-0102**  
Classification Pursuant to Section 392.245.6, ) **Tariff File No. YI-2006-0145**  
RSMo (2005) – 60-day Petition )

### Concurring Opinion of Commissioner Appling

I concur in the Report and Order but wish to express my concern regarding a case record that was inadequate to support any result other than the one reached by the majority. The Commission is obligated to generate an order based on competent evidence that is substantial enough to support its decision. Because no party assumed the burden to establish that SBC Missouri's application was contrary to the public interest, the argument for denying it was neither clear nor convincing. Without an adequate record, the Commission cannot make a reasonable finding. I hope that, in the future, parties to "competition" cases will step up to the plate and assume responsibility for bringing their best arguments to the table. This will work in the best interests of all concerned.

Respectfully submitted,



Linward "Lin" Appling  
Commissioner

Dated at Jefferson City, Missouri,  
on this 25<sup>th</sup> day of October, 2005.