

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

In the Matter of Neutral Tandem-Missouri, LLC's)	
Filing to Introduce Its Access Services Tariff)	<u>File No. TT-2010-0099</u>
PSC MO No. 3.)	<u>Tariff No. JX-2010-0151</u>

ORDER GRANTING INTERVENTION AND DIRECTING FILINGS

Issue Date: December 11, 2009

Effective Date: December 11, 2009

On September 18, 2009, AT&T Communications of the Southwest, Inc., and Southwestern Bell Telephone Company, d/b/a AT&T Missouri (collectively referred to as "AT&T"), filed a motion requesting that the Commission suspend and investigate the access services tariff (Tariff No. JX-2010-0151) submitted by Neutral Tandem-Missouri, LLC, on September 8, 2009, with an effective date of October 8, 2009. The Commission issued an order directing its Staff and any other interested parties to file responses no later than September 28, 2009.

AT&T also included in its original pleading a request to intervene in this matter. As the file would not have been a docketed case file without the objection of AT&T, and AT&T has met the criteria of the Commission's rule regarding intervention, the Commission will grant that request.

On October 13, 2009, the Staff of the Missouri Public Service Commission filed a response to the motion suggesting that the Commission treat the matter as a contested case and set the matter for a prehearing conference. Staff also stated that the issues were too complicated to file a formal recommendation at that time.

Neutral Tandem extended the effective date of the tariffs several times and the current effective date of the tariff is December 31, 2009. Neutral Tandem also filed substitute tariff pages in an attempt to alleviate the concerns of AT&T.

AT&T filed responses on November 13, 2009, and December 7, 2009. In those responses, AT&T states that it still has issues with the tariff that AT&T believes will cause costs to be inappropriately shifted to incumbent local exchange carriers and interexchange carriers. AT&T also believes that an unnecessary duplication of facilities may result. AT&T requests that the Commission suspend the tariff for investigation of its policy implications.

Neutral Tandem filed an additional reply on December 10, 2009. In that reply, Neutral Tandem indicates that it has reached an impasse with regard to negotiations with AT&T and desires that the Commission allow its tariff to become effective on December 31, 2009. Further, Neutral Tandem argues that AT&T's arguments have no merit and that to delay the effective date of this tariff would unfairly prejudice and interfere with Neutral Tandem's competitive operations in Missouri. Neutral Tandem also stated that it believes Staff does not object to the tariff becoming effective. Additionally, Neutral Tandem requests the response time to its most recent filing be shortened to eight days.

The Commission will shorten the response time to Neutral Tandem's December 10, 2009 pleading as set out below. In addition, the Commission will direct its Staff to state whether it has any opposition to the tariff as proposed, and whether it believes any additional investigation is necessary. The Commission will also direct AT&T to provide the Commission with the legal authority under which it is requesting that the Commission suspend this tariff and conduct an investigation.

THE COMMISSION ORDERS THAT:

1. AT&T Communications of the Southwest, Inc., and Southwestern Bell Telephone Company, d/b/a AT&T Missouri, are granted intervention.
2. Any responses to Neutral Tandem-Missouri, LLC's December 10, 2009 pleading shall be filed no later than December 18, 2009.
3. The Staff of the Missouri Public Service Commission shall file a recommendation or other pleading stating whether it has any opposition to the tariff as proposed, and whether it believes any additional investigation is necessary no later than December 18, 2009.
4. AT&T Communications of the Southwest, Inc., and Southwestern Bell Telephone Company, d/b/a AT&T Missouri, shall file a response clarifying under what legal authority it is requesting that the Commission suspend this tariff and conduct an investigation n/l/t December 18, 2009.
5. This order shall become effective upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

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

Dated at Jefferson City, Missouri,
on this 11th day of December, 2009.