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February 11, 2003

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

Re: Case No. CO-2003-0252
ExOp of Missouri, Inc. d/b/a Unite
Request For USF Eligibility Designation

FILED³

FEB 11 2003

Missouri Public
Service Commission

Dear Mr. Roberts:

Please find enclosed for filing in the above-captioned case an original and eight (8) copies of the *Reply To Staff's Response To Public Counsel's Request For Evidentiary Hearing* filed on behalf of Applicant, ExOp of Missouri, Inc. d/b/a Unite.

Copies of this filing have been sent this date to the General Counsel's Office and the Office of the Public Counsel. Thank you.

Sincerely,


Brent Stewart

CBS/bt

Enclosures

cc: General Counsel's Office
Office of the Public Counsel
Rachel Reiber

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
FEB 11 2003

Missouri Public
Service Commission

In the Matter of the Application of)
ExOp of Missouri, Inc. d/b/a Unite for)
Designation as a Telecommunications)
Company Eligible for Federal Universal) Case No. CO-2003-0252
Service Support in the Platte City Exchange)
Pursuant to § 254 of the)
Telecommunications Act of 1996.)

REPLY TO STAFF'S RESPONSE
TO PUBLIC COUNSEL'S REQUEST FOR EVIDENTIARY HEARING

COMES NOW ExOp of Missouri, Inc. d/b/a Unite ("ExOp" or "Applicant"), by and through counsel and pursuant to 4 CSR 240-2.080(15), and for its Reply To Staff's Response To Public Counsel's Request For Evidentiary Hearing respectfully states as follows:

1. On January 30, 2003 the Office of the Public Counsel ("OPC") filed its request for an evidentiary hearing in this case. On February 10, 2002 Staff filed its Response To Public Counsel's Request For Evidentiary Hearing.

2. Applicant agrees with Staff's underlying rationale that setting an evidentiary hearing in this case is, at best, premature. First, in its Request For Evidentiary Hearing, OPC failed to state any specific problem OPC had with Applicant's Application or even identify any issue which OPC wished to raise with respect to Applicant's eligibility for ETC designation in the Platte City, Missouri exchange. Applicant obviously cannot attempt to address concerns if those concerns have not been identified. Second, the intervention date of February 18, 2002 set by the Commission has not yet passed. While Applicant is hopeful that no other party will seek to intervene, setting a hearing prior to

even knowing with certainty who the parties to the case might be seems unreasonable and contrary to usual Commission procedure. Finally, Applicant agrees with Staff that a setting an evidentiary hearing in this case (and similar types of cases) should be the last resort and needed only if any issues remain unresolved among the parties. Preparing for and participating in evidentiary hearings require considerable resources and not insignificant costs for an applicant; Applicant here obviously desires to avoid such time and costs if at all possible.

3. Applicant notes that it already has received Commission designation as a ETC in the Kearney, Missouri exchange and believes that it has met in its verified Application all the requirements necessary for designation as an ETC in the Platte City, Missouri exchange. However, to the extent the Staff or OPC raises any particular concerns with the Application, Applicant obviously will work to resolve such concerns in an effort to avoid the need for an evidentiary hearing. As Staff notes in its Response, Staff has not yet even completed its review of the Application.

4. Denying OPC's request for an evidentiary hearing at this time in no way prevents OPC, Staff or other parties from subsequently requesting an evidentiary hearing should the need arise.

WHEREFORE, for all the above-stated reasons, Applicant ExOp of Missouri, Inc. d/b/a Unite joins with the Staff and respectfully requests that the Commission deny the Office of the Public Counsel's Request For An Evidentiary Hearing in this matter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was sent to the General Counsel's Office and the Office of the Public Counsel by placing same in the United States Mail, first class postage prepaid, or by hand-delivery, this 11th day of February, 2003.

