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September 21, 2001

FILED²
SEP 21 2001
Missouri Public
Service Commission

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65101

RE: **Application of AT&T Wireless Services, Inc. for Approval of
Interconnection Agreement, Case No. TO-2002-72**

Dear Judge Roberts:

Enclosed for filing with the Commission is an original and eight (8) copies of AT&T Wireless Services, Inc.'s **Supplemental Response to Third Order Directing Filing.**

Thank you for your attention to this matter.

Very truly yours,

LATHROP & GAGE L.C.

By: 
Paul S. DeFord

PDF/sk
Enclosures
cc: All Parties of Record

10846.1

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
SEP 21 2001

Application of AT&T Wireless Services, Inc.)
for Approval of Interconnection Agreement)

Missouri Public
Service Commission
Case No. TO-2002-72

SUPPLEMENTAL RESPONSE
TO THIRD ORDER DIRECTING FILING

Comes now AT&T Wireless Services, Inc. ("AWS") and for its Supplemental Response to Third Order Directing Filing states as follows:

1. On September 18, 2001, the Commission issued its Third Order Directing Filing. Therein, the Commission indicates that AWS failed to comply with the provisions of its September 12, 2001 Order, which directed AWS to demonstrate its excusable neglect in filing a timely response to the Commission's August 22, 2001 Order. The September 12, 2001 Order established September 14, 2001 as the deadline for making the compliance filing.

2. As indicated in AWS' September 14, 2001 pleading, counsel for AWS did not become aware of the Commission's August 22, 2001, Order Directing Filing until September 11, 2001, when a member of the Commission Staff initiated contact to determine the status of the required filing. In subsequent e-mail correspondence with the Regulatory Law Judge, counsel indicated that the subject Order had not been delivered via U.S. Mail and that a filing to comply with the August 22nd Order would be made as expeditiously as possible. Further investigation revealed that no copy of the Commission's August 22, 2001 Order has, to date, been served on AWS.

Copies of the Order have been obtained from Staff via facsimile and Internet downloads. AWS submits that lack of knowledge of the existence of the Order and its directive to make a filing constitutes sufficient justification for its failure to make a timely filing. It is extremely difficult if not impossible to comply with requirements that are not known.

3. The Commission admonishes AWS for not following the Commission's September 12 Order requiring a statement demonstrating excusable neglect by September 14, 2001. The Commission's admonition is not well taken. AWS did not receive the service copy of the Commission's September 12 Order until September 18, 2001, four days after the filing deadline. Issuance of an Order requiring a responsive filing within forty-eight hours without providing for expedited service of process does not permit an adequate opportunity for a party to comply with the Commission's directive.

4. AWS has taken all appropriate action to expeditiously comply with the Commission directives and filing requirements in this non-contested case.

WHEREFORE, AWS requests that the Commission accept this Supplemental Response to the Third Order Directing Filing and excuse AWS's failure to meet the originally established filing deadline. AWS further requests that the Commission grant its Application for Approval of an Interconnection Agreement.

Respectfully submitted,



PAUL S. DeFORD

MBN #29509

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ATTORNEYS FOR AT&T WIRELESS
SERVICES, INC.

CERTIFICATE OF SERVICE

This is to certify that on the 21st day of September, 2001, a true and correct copy of the foregoing instrument was mailed, postage prepaid, to the following:

Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

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