

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

In the Matter of a Commission Inquiry into)
the Possibility of Impairment without)
Unbundled Local Circuit Switching When)
Serving the Mass Market)

Case No. TO-2004-0207

**CENTURYTEL'S RESPONSE IN SUPPORT OF
THREE-PHASE PROPOSED PROCEDURAL SCHEDULE**

COME NOW CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel (collectively "CenturyTel") and, pursuant to the agreement of the parties reached during the pre-hearing conference, respectfully file their Response to the Staff's Response To Order Directing It To Submit A Proposed Procedural Schedule ("Proposed Procedural Schedule"), as follows:

1. On November 21, 2003, in response to the Commission's November 5, 2003 Order Creating Case and Establishing Initial Filing Deadlines, Staff filed its Proposed Procedural Schedule on behalf of the parties attending the pre-hearing conference. As Staff notes in its pleading, the parties attending the pre-hearing conference were unable to reach consensus on the appropriate number of evidentiary hearings, but were able to agree on two alternatives. The parties agreed to submit a pleading in support of either of the two alternative proposals by noon on November 24, 2003. CenturyTel supports the First Alternative described by Staff, which consists of three phases of hearings.

2. Staff summarizes the three-phase hearing proposal of the first alternative as follows: "(Phase I) defining particular geographic markets, and

defining the appropriate multi-line DS0 customer cross-over between the mass and enterprise markets¹; (Phase II) using the definitions ordered in Phase I to determine whether FCC-defined triggers to measure existing switch deployment are met or whether a potential deployment analysis shows non-impairment and, if necessary, approval of the incumbent LEC batch hot cut process²; and (Phase III) determining whether FCC-defined triggers or potential deployment analysis for a finding of non-impairment have been met for specific types of high-capacity loops—dark fiber, DS3, or DS1—at particular customer locations,³ and whether FCC-defined triggers or potential deployment analysis for a finding of non-impairment have been met for non-access to incumbent LEC transport on specific routes ⁴ Phase II may also include an appropriate transition from any switching that the Commission finds should no longer be unbundled and whether rolling access to unbundled switching would cure any impairment,⁵ and Phase III may also include determining whether a basis for waiver of application of a trigger exists for a particular customer location or transport route and providing for an appropriate transition from any unbundled transport or enterprise loops that the Commission finds should no longer be unbundled.⁶”

3. CenturyTel respectfully submits that the procedural schedule envisioned by the second alternative (determination of the geographic market and the DS1/DS0 crossover considered in the same hearing as all other mass

¹ FCC Triennial Review Order, ¶¶ 495-97.

² FCC Triennial Review Order, ¶¶ 498-505.

³ FCC Triennial Review Order, ¶¶ 328-340.

⁴ FCC Triennial Review Order, ¶¶ 394-418.

⁵ FCC Triennial Review Order, ¶¶ 424, 521-24.

⁶ FCC Triennial Review Order, ¶¶ 336, 339, 411, 417.

market switching issues) would result in an extremely difficult process for both the parties and the Commission, as they attempt to simultaneously determine the market definition parameters, as well as conduct the trigger analyses and potential deployment analyses. In addition, there are potential due process concerns, as only SBC Missouri and CenturyTel have been required to identify their proposed geographic areas and DS1/DS0 crossover points at this point in time. Under the second alternative schedule, other parties would not be required to disclose their proposals until direct testimony is filed, and yet the trigger analyses and potential deployment analyses would be addressed in that same phase of the proceeding.

WHEREFORE, CenturyTel respectfully requests the Commission to adopt the first alternative procedural schedule under which the geographic market and the DS1/DS0 crossover point would be determined in an initial hearing, with the remaining issues to be addressed and resolved in subsequent phases of the hearing schedule.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 24th day of November, 2003.

/s/ Larry W. Dority