

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

Mid-Missouri Telephone Company,)	
)	
Petitioner,)	
)	
v.)	Case No. TC-2006-0127
)	
Southwestern Bell Telephone Company,)	
T-Mobile USA, Inc.)	
)	
Respondents.)	

**SBC MISSOURI'S OPPOSITION TO MOTION
TO CONSOLIDATE**

SBC Missouri,¹ by special appearance, respectfully requests the Missouri Public Service Commission ("Commission") to deny Mid-Missouri Telephone Company's ("Mid-Missouri") Motion to Consolidate this newly filed complaint into Case No. TC-2002-57, which has been heard, fully briefed and submitted for final Commission determination.

1. Mid-Missouri commenced this action on September 23, 2005, when it filed a formal complaint against T-Mobile USA and Southwestern Bell Telephone Company² seeking compensation for terminating wireless calls originated by T-Mobile USA. In addition, Mid-Missouri filed a motion to consolidate this new complaint into Case No. TC-2002-57.

2. SBC Missouri is a party to Case No. TC-2002-57 and objects to consolidation of this new case. Case No. TC-2002-57 has been fully submitted for determination by the Commission and it would be inappropriate to permit the joinder of a new case at this point. Case

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri" or "SBC."

² Mid-Missouri appears to have named an incorrect entity in its Complaint. Southwestern Bell Telephone Company no longer provides telecommunication service in Missouri.

No. TC-2002-57 commenced in August, 2001, when Complainants in that case³ filed their initial Complaint. Answers and Motions to Dismiss were filed the following month. With leave of the Commission, Complainants filed their First Amended Complaint in October, 2001, and a new round of Answers and Motions to Dismiss were filed. The parties to Case No. TC-2002-57 filed Direct Testimony on April 10, 2002; Rebuttal Testimony on June 11, 2002; and Surrebuttal Testimony on July 2, 2002. The Commission conducted hearings on the Complaints August 5-9, 2002, and the parties then filed Initial and Reply Briefs. The Commission reopened the record in Case No. TC-2002-57 in October, 2003, for the purpose of obtaining evidence concerning interMTA factors (to classify the traffic as interMTA or intraMTA). The parties filed additional Direct, Rebuttal and Surrebuttal Testimony concerning interMTA factors that were disputed and the Commission conducted a second hearing in September, 2004, and the parties filed a second round of Initial and Reply Briefs in October and November, 2004. With the submission of these briefs, Case No. TC-2002-57 is now submitted and awaiting a Commission determination.

3. If a new complaint were joined, the Commission would again be required to reopen the record to take additional evidence, which would likely lead to additional hearings and additional rounds of briefing. At this late date, the joinder of new claims would only further delay the resolution of Case No. TC-2002-57 and should not be permitted.

4. By making this filing, SBC Missouri does not waive and expressly reserves its right to assert all defenses and affirmative defenses in its Answer (and Motion to Dismiss) which it will file on November 28, 2005 as ordered by the Commission.⁴

³ Alma Telephone Company, Chariton Valley Telephone Corporation and Northeast Missouri Rural Telephone Company will be referred to as "Complainants."

⁴ Notice of Complaint, Case No. TC-2006-0127, issued September 28, 2005.

WHEREFORE, SBC Missouri respectfully requests the Commission to deny Mid-Missouri's Motion to consolidate its new complaint into Case No. TC-2002-57.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A SBC MISSOURI

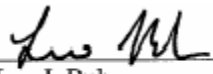
BY 

PAUL G. LANE	#27011
LEO J. BUB	#34326
ROBERT J. GRYZMALA	#32454
MIMI B. MACDONALD	#37606

Attorneys for SBC Missouri
One SBC Center, Room 3520
St. Louis, Missouri 63101
314-235-2508 (Telephone); 314-247-0014(Facsimile)
leo.bub@sbc.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on October 3, 2005.



Leo J. Bub

General Counsel
David Meyer
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
gencounsel@psc.mo.gov
david.meyer@psc.mo.gov

Dan Menser
Director-Legal Affairs
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006
dan.menser@t-mobile.com

Public Counsel
Michael F. Dandino
Office of The Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
mike.dandino@ded.mo.gov
opcservice@ded.mo.gov

Craig S. Johnson
1648-A East Elm Street
Jefferson City, MO 65101
craig@csjohnsonlaw.com

Mark P. Johnson
Sonnenschein, Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, MO 64111
mjohnson@sonnenschein.com