

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

In the Matter of a Further Investigation of     )  
the Metropolitan Calling Area Service After     )     Case. No. TO-2001-391  
the Passage and Implementation of the     )  
Telecommunications Act of 1996.     )

**RESPONSE OF SOUTHWESTERN BELL TELEPHONE, L.P.  
TO THE OFFICE OF PUBLIC COUNSEL'S  
MOTION TO CONSIDER CHANGE IN SCOPE OF MCA  
AND TO HOLD PUBLIC HEARING IN GRAIN VALLEY**

COMES NOW Southwestern Bell Telephone L.P., d/b/a SBC Missouri ("SBC Missouri") and for its Response to the Motion to Consider Change in Scope of MCA and to Hold Public Hearing in Grain Valley ("Motion") filed by the Office of Public Counsel ("OPC") states as follows:

1.     In its Motion, OPC suggests that the Missouri Public Service Commission ("Commission") schedule a public hearing in order to permit customers in the City of Grain Valley to present their views concerning changes in MCA service. As SBC Missouri has previously stated, such proposals for public hearing are inappropriate until (1) the Commission has resolved the numerous legal issues involving its authority to impose changes in the MCA Plan and (2) there is a concrete plan with proposed prices for revised MCA service on which members of the public could comment.

2.     The Commission issued its Order Directing Filing on July 7, 2003, in which it directed parties to file a joint list of issues that are ripe for Commission determination and to state their positions on those issues. The parties filed a joint list of issues on April 25 and SBC Missouri, as well as, other parties, filed their position statements on each issue on May 5, 2003.

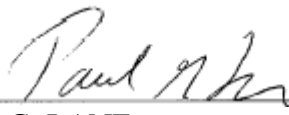
3. As reflected in the issues list and in the position statements, the Commission's authority to modify or alter the existing MCA Plan is subject to considerable debate. Moreover, even if the Commission had the authority to modify the terms of the existing MCA Plan, there is no proposal that is sufficiently developed on which to seek public comment. Absent a lawful plan with specific proposed changes to the MCA, including price changes, the public could not provide meaningful comments that would assist the Commission.

4. In its Order Denying Motion for Setting of Public Hearings, dated April 16, 2001, the Commission determined that public hearings would be premature. OPC's Motion to establish public hearing in the City of Grain Valley is also premature and should be denied.

WHEREFORE, for all the foregoing reasons, SBC Missouri respectfully requests the Commission to deny OPC's Motion and for such other and further relief as is just and reasonable.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail or first-class, postage prepaid, U.S. Mail on July 29, 2003.

  
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