



Missouri Public Service Commission

Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. KOLILIS
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

October 3, 2001

RECEIVED

OCT - 4 2001

Ms. Magalie Roman Salas, Secretary
Office of the Federal Communications Commission **FCC MAIL ROOM**
445 12th Street, S.W., Room TW-B2-4
Washington, DC 20554

RE: CC Docket No. 01-194 - In the Matter of Application of SBC Communications, Inc.
Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region,
InterLATA Services in Arkansas and Missouri

Dear Ms. Salas:

Enclosed for filing in the above-captioned case are an original and four (4) conformed copies of the **REPLY OF THE MISSOURI PUBLIC SERVICE COMMISSION and a computer diskette containing the filing.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Associate General Counsel
(573) 751-7489
(573) 751-9285 (Fax)
nwilliams@mail.state.mo.us

Enclosure
cc: Counsel of Record

No. of Copies rec'd 074
List A B C D E

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

RECEIVED
OCT - 4 2001
FCC MAIL ROOM

In the Matter of)
)
Application of SBC Communications, Inc.)
Pursuant to Section 271 of the)
Telecommunications Act of 1996 To Provide)
In-Region, InterLATA Services in Arkansas)
and Missouri)

CC Docket No. 01-194

**REPLY OF THE
MISSOURI PUBLIC SERVICE COMMISSION**

Dana K. Joyce
General Counsel

Nathan Williams
Associate General Counsel

Attorney for the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)
nwilliam@mail.state.mo.us

Table of Contents

REPLY	1
RATES	1
COMMITMENT TO SETTING PERMANENT RATES	2
RECOMMENDATION	3

Attachments

ATTACHMENT 1:

ORDER SETTING SETTLEMENT AND PROCEDURAL HEARING (September 28, 2001)

ATTACHMENT 2:

ORDER DIRECTING FILING AND RESPONSES (August 30, 2001)

ATTACHMENT 3:

ORDER GRANTING MOTION TO CONTINUE THE PHASE 1 HEARING (September 24, 2001)

ATTACHMENT 4:

ORDER SCHEDULING A JOINT PREHEARING CONFERENCE AND SHORTENING TIME TO RESPOND (October 1, 2001)

REPLY

RATES

A number of commenters have raised issues with the rates offered by Southwestern Bell Telephone Company in the Missouri Interconnection Agreement (M2A). A number of these rates are interim and others are based on rates that we established in arbitration proceedings.¹ Despite Sprint Communications Company L.P.'s correct reference to the application of SBC Communications Inc. filed in CC Docket No. 01-88² that rates offered in the M2A originating from the arbitration proceedings are subject to Supreme Court review of the FCC's TELRIC rules, it is our view that through the language found in §18.2 of the General Terms and Conditions of the M2A that follows, Southwestern Bell Telephone Company has unqualifiedly offered M2A rates based on rates set in those arbitration cases: "When any final decision is rendered by the appellate court, the affected contract provision shall be revised to reflect the result of such appeal except those relating to the prices and other terms and conditions at issue in SWBT [(Southwestern Bell Telephone Company)] v. Missouri Public Service Commission, et al., Case Nos. 99-3833 and 99-3908 in the United States Court of Appeals for the 8th Circuit."

Sprint Communications Company L.P. and numerous other commenters, including the Department of Justice have questioned whether the rates found in the M2A comply with the FCC's TELRIC rules. We have repeatedly stated our position that we believe the rates we set in

¹ We established the arbitrated rates in *In the Matter of AT&T Communications of the Southwest, Inc.'s Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Southwestern Bell Telephone Company*, Mo PSC Case Nos. TO-97-40 and TO-97-67. (July 31, 1997) (Final Arbitration Order).

² Sprint Communications Company L.P.'s reference to the application of SBC Communications Inc. filed in CC Docket No. 01-88 appears at pp. 22-23 and fn. 46 of its initial comments filed in this case

the arbitration proceedings are TELRIC compliant; that issue is now properly before the FCC for its determination.

COMMITMENT TO SETTING PERMANENT RATES

A number of commenters have also challenged our commitment to quickly and properly set permanent rates. As we stated in our Written Consultation filed September 10, 2001, on September 6, 2001 we approved a unanimous stipulation and agreement resolving all issues in Case No. TT-2001-298, our pending case to set permanent rates, terms and conditions for collocation. On September 12, 2001 Southwestern Bell Telephone Company filed its proposed tariff sheets in response to our order, on September 18, 2001 the parties filed a joint motion to approve the proposed tariff sheets, and on September 27, 2001 Southwestern Bell Telephone Company filed substitute tariff sheets. We anticipate taking action on those tariff sheets shortly.

We have taken further action in Case No. TO-2001-439 (xDSL Loop Conditioning) issuing on September 28, 2001 our *Order Setting Settlement and Procedural Hearing* in an effort to bring the issues in that case to a prompt resolution. A certified copy of that order is submitted herewith as an attachment (Attachment 1). Because that order refers to our August 30, 2001 order, for clarity, a copy of our August 30, 2001 order is also submitted herewith as an attachment (Attachment 2). Additionally, because the evidentiary hearing in the first phase (Phase 1—Terms and Conditions) of Case No. TO-2001-440 (Line Sharing and Line Splitting) did not conclude within the time we allotted, we have scheduled additional dates of October 23-24, 2001 for hearing. A certified copy of our order scheduling these additional hearing dates is submitted herewith as an attachment (Attachment 3). Further, on October 1, 2001 we issued an order in both Case No. TO-2001-440 (Line Sharing and Line Splitting) and Case No.

TO-2001-438 (Unbundled Network Elements) expeditiously scheduling a joint prehearing conference to obtain input from the parties in each case regarding extending the procedural schedules of each and whether the pricing phase of Case No. TO-2001-440 (Line Sharing and Line Splitting) should be heard jointly with Case No. TO-2001-438 (Unbundled Network Elements). A certified copy of our order scheduling this prehearing conference is submitted herewith as an attachment (Attachment 4). As all of these actions demonstrate, we are proceeding in these cases expeditiously while ensuring that the parties to them have full and fair opportunities to present both their evidence and arguments.

RECOMMENDATION

We have considered the initial comments filed with the FCC in this case, and we continue to support the application with the FCC filed by SBC Communications, Inc. jointly with Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance, for authorization under Section 271 of the Telecommunications Act of 1996 to provide in-region, interLATA services in Missouri.

Respectfully Submitted,

Dana K. Joyce
General Counsel



Nathan Williams
Associate General Counsel

Attorney for the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)
nwilliam@mail.state.mo.us

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 3rd day of October 2001.



**Service List for
CC Docket No. 01-194
Verified: October 2, 2001 (rr)**

Magalie Roman Salas, Secretary
Office of the Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Layla Seirafi
U. S. Department of Justice
Antitrust Division
Telecommunications Task Force
1401 H Street, N.W., Suite 8000
Washington, DC 20005

Mike Dandino
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Ms. Janice Myles
Policy & Program Planning Division
Carrier Bureau
Office of the Federal Communications Commission
445 12th Street, S.W., Room 5-C327
Washington, DC 20554

Paul G. Lane, Leo J. Bub
Anthony K. Conroy, Diana Harter
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101

International Transcription Service, Inc.
445 Twelfth Street, S.W., CY-B402
Washington, D.C. 20554

hearing date. A procedural and scheduling hearing will allow the Commission and the parties an opportunity to consider the requirements and preparation for additional hearing. No decision has been made to schedule additional hearings, however, November 1 and 2, 2001, have been tentatively reserved for additional hearing dates.

Opportunity for Discussion and Settlement or Narrowing of Issues:

In addition, the Commission desires to provide the parties an opportunity to discuss settlement and narrowing of the issues and to discuss briefing requirements to assure an orderly and timely presentation of the arguments and positions of the parties to the Commission.

Discussion of Briefing Requirements.

This case presents the determination of Southwestern Bell's costs for performing certain loop conditioning activities. The cost issue should be restated in such a fashion as to clearly identify and comprehensively list cost inputs and assumptions supporting the cost studies that are contested and each party's position and argument in briefing should follow this list.

This case presents an issue as to whether there should be a charge for loop conditioning. This issue turns on interpretation of FCC orders and the application of TELRIC principles.

This case presents an issue as to the appropriate pricing, terms and conditions for loop conditioning by SWBT. The record presents evidence for nonrecurring and recurring pricing structures or a combination of pricing structures. The parties should be prepared to discuss whether the range of pricing proposals can be narrowed and each one summarized for briefing purposes. This would allow the parties to present arguments

describing the pros and cons of a limited number of pricing structures and focus the issue for the Commission.

For example, certain loop conditioning practices presenting efficiencies, such as multiple loop conditioning, may support one pricing structure over another. Certain pricing structures may present issues of under or over recovery of costs. Certain pricing structures may spread costs over a broader base or time period to lower prices but may raise issues as to the proper allocation of costs or other matters.

An issue is presented with regard to information to be tracked regarding loop conditioning. Southwestern Bell has suggested that cost tracking could be unduly burdensome and expensive. Other parties have suggested that certain data would not be unduly burdensome or expensive to track. The parties should be prepared to discuss and identify relevant useful data at issue and also to determine what can be tracked and reported to the Commission's Staff without undo burden.

With respect to cost tracking, all parties should be prepared to discuss whether loop conditioning costs can be tracked simply by tracking the work ordered and performed and assigning costs to the completed work orders according to costs determined in this proceeding. Such a system would allow for audit and subsequent adjustment to the prices and pricing structure adopted in this proceeding to match prices to the costs.

For example, the Commission could determine prices and adopt two pricing structures allowing customers a choice between nonrecurring and recurring prices. The conditioning revenues could be allocated accordingly. Then revenues and costs could be matched to each pricing option, the results audited, and prices adjusted periodically to

achieve a proper matching of costs to revenues. The uncertainty and risk associated with setting one "correct" price could be eliminated.

Finally, an issue is presented as to the application or scope of application of the decision in this case, specifically whether the terms, conditions and pricing determined in this case will be available for interconnection agreements other than the M2A. This issue raises questions under the Commission's prior order arising out of an arbitration directing the cost studies subsequently filed in this case, and the Commission's order establishing this case, and questions under the Federal Telecommunications Act of 1996, as well as questions of estoppel or future collateral attack, official notice of prior decisions, etc. There is also a question whether this issue is ripe for determination in this case.

IT IS THEREFORE ORDERED:

1. That a procedural and settlement hearing will be held on October 10, 2001, beginning at 10:00 a.m. in Room 305 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

2. That the parties shall be prepared to discuss settlement and narrowing of the issues presented; preparation and filing of a proposed procedural schedule regarding any additional hearing, including addressing the time required, the witnesses required, the order of cross-examination; the development and filing of a more detailed statement of

issues to assure an orderly and comprehensive briefing; and a proposed briefing schedule.
Specific requirements for the form, content and organization of the briefs will be discussed.

3. That this order shall become effective on October 8, 2001.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Keith Thornburg, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

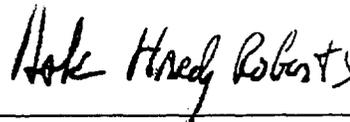
Dated at Jefferson City, Missouri,
on this 28th day of September, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 1st day of Oct. 2001.**



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Determination of Prices,
Terms, and Conditions of Conditioning for
xDSL-capable Loops

)

)

)

Case No. TO-2001-439

ORDER DIRECTING FILING AND RESPONSES

On August 9, 2001, during the hearing in this matter, the Commission requested the Staff to prepare two pricing scenarios and to file them as late-filed exhibits in this proceeding. One request was to prepare a pricing scenario for conditioning of xDSL capable loops on a recurring basis and also to address the effect of bulk conditioning on a 25 and 50 pair multiple loop basis. A second request was to prepare a pricing scenario on a nonrecurring basis using a methodology similar to that proposed by Sprint with Southwestern Bell inputs. Staff was asked to file these scenarios within 30 days. These late-filed exhibits are due on September 10, 2001.

Staff was also requested to include information as to the time period these pricing proposals would remain in place or the period after which review would be required to ensure a proper matching of revenues to costs and the need to discontinue or modify the pricing.

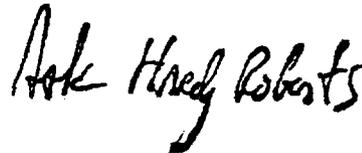
Staff will be directed to file these late-filed exhibits no later than September 10, 2001, unless otherwise directed by the Commission. Staff shall ensure that its assumptions and inputs are clearly presented.

All parties may file responses to the late-filed exhibits within ten days of their filing.

IT IS THEREFORE ORDERED:

1. That the Commission's Staff shall file additional late-filed exhibits presenting the pricing scenarios and related information requested above no later than September 10, 2001, unless otherwise ordered by the Commission.
2. That all parties may file responses to the late-filed exhibits no later than ten days after filing by Staff.
3. That this order shall become effective on August 30, 2001.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Keith Thornburg, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

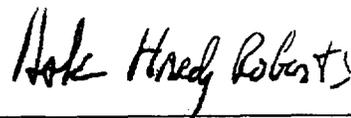
Dated at Jefferson City, Missouri,
on this 30th day of August, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 1st day of Oct. 2001.**



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Determination of Prices, Terms,) **Case No. TO-2001-440**
and Conditions of Line Splitting and Line Sharing.)

ORDER GRANTING MOTION TO CONTINUE THE PHASE 1 HEARING

The Commission conducted an evidentiary hearing on this matter from August 20-22, 2001. At the conclusion of August 22, 2001, three scheduled witnesses had not yet been called to testify, and the Regulatory Law Judge directed the parties to agree upon and file suggested dates for continuing the hearing. On August 29, 2001, the Staff of the Missouri Public Service Commission filed a Motion to Continue the Phase 1 Hearing, noting that the parties agreed that two additional hearing days may be necessary. Staff states that the only two consecutive dates that appear to have no conflict are the dates of October 1 and 2, 2001. Therefore, Staff requests that the Commission continue Phase 1 of the evidentiary hearing on October 1-2, 2001.

The Commission issued an order shortening the time for response to Staff's motion on August 31, 2001. On September 4, 2001, IP Communications Corporation, d/b/a IP Communications of the Southwest, filed a response indicating that IP would not be able to participate in the hearing past 3:00 p.m. on October 2, 2001, or past 2:00 p.m. on October 3, should the hearing be further continued. IP does not satisfactorily explain its unavailability, citing only "prior commitments."

On September 4, 2001, Southwestern Bell Telephone Company (SWBT) filed a response, requesting that the Commission order the hearing to begin at 10:00 a.m. on

Monday, October 1, 2001. SWBT states that scheduling the hearing at 10:00 a.m. on October 1, 2001, would permit reasonable travel arrangements while not jeopardizing the conclusion of the hearing on October 2, 2001.

The Commission has reviewed Staff's request to continue the hearing on October 1-2, 2001, and the various responses. Although Staff's motion to continue Phase 1 of the hearing states that all parties agree to the proposed dates of October 1-2, 2001, the responses suggest that there is not total agreement as to the suitability of these dates. The Commission also notes that the proposed dates conflict with the Commission's calendar. In addition, the Commission notes that there are several other pending motions in this case and that, depending upon the ultimate resolution of those issues, a hearing in early October might not be feasible. Therefore, the Commission will schedule the hearing for later in October 2001.

IT IS THEREFORE ORDERED:

1. That the continuation of the evidentiary hearing on Phase 1 is scheduled for October 23-24, 2001, beginning at 8:30 a.m. each day. If necessary, the hearing will continue on October 25, 2001. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards required by the Americans With Disabilities Act. If any person needs additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

2. That the parties are directed to file a new order of witnesses and order of cross-examination no later than October 2, 2001. The order of witnesses shall indicate which witnesses are expected to be called each day.

3. That this order shall become effective on October 2, 2001.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Vicky Ruth, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

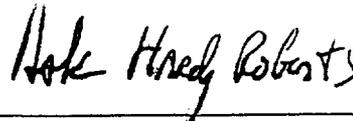
Dated at Jefferson City, Missouri,
on this 24th day of September, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 1st day of Oct. 2001.**



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Determination of Prices,)
Terms, and Conditions of Certain Unbundled) **Case No. TO-2001-438**
Network Elements)

In the Matter of the Determination of Prices,)
Terms, and Conditions of Line Splitting and) **Case No. TO-2001-440**
Line Sharing)

ORDER SCHEDULING A JOINT PREHEARING CONFERENCE AND
SHORTENING TIME TO RESPOND

On September 28, 2001, the Staff of the Commission filed separate motions in TO-2001-438 and TO-2001-440, asking that the procedural schedules for both cases be amended by delaying the filing of testimony, and by rescheduling the joint hearing from December 3-7, 2001, to January 14-18, 2002. Staff's motions also ask that the Commission rule on the motions by October 9, 2001, so that the parties will have timely guidance regarding the filing of rebuttal testimony on the October 23 due date established in the current procedural schedules.

So that it may consider Staff's motions promptly, while giving all other parties an opportunity to be heard, the Commission will schedule a joint prehearing conference. At the prehearing conference, the parties should be prepared to advise the Commission as to whether the procedural schedules for one or both of these cases should be extended. In addition, the parties should be prepared to advise the Commission as to whether phase two of TO-2001-440 should be jointly heard with TO-2001-438.

IT IS THEREFORE ORDERED:

1. That a prehearing conference shall be held on October 4, 2001, beginning at 1:30 p.m. The prehearing conference shall be held at the Commission's offices at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) before the hearing.
2. That any party wishing to respond to Staff's Motions to Amend Procedural Schedule shall do so before or at the prehearing conference.
3. That this order shall become effective on October 4, 2001.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Morris L. Woodruff, Senior Regulatory Law
Judge, and Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant to Section
386.240, RSMo 2000.

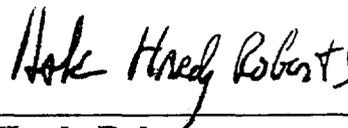
Dated at Jefferson City, Missouri,
on this 1st day of October, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 1st day of Oct. 2001.**



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 1, 2001**

CASE NO: TO-2001-438

Office of the Public Counsel

P.O. Box 7800
Jefferson City, MO 65102

Paul G. Lane/Leo J. Bub

Southwestern Bell Telephone Company
One Bell Center Room 3518
St Louis, MO 63101

Paul Gardner

Goller, Gardner and Feather
131 High Street
Jefferson City, MO 65101

Stephen F. Morris

WorldCom Communications
701 Brazos, Suite 600
Austin, TX 78701

Mary Ann Young

William D. Steinmeier, P.C.
P O Box 104959
Jefferson City, MO 65110

Sheldon K. Stock

Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, MO 63102-1774

Kevin Zarling/Michelle Sloane Bourianoff

AT&T Communications
919 Congress, Suite 900
Austin, TX 78701

Rose Mulvany

Birch Telecom of Missouri, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108

General Counsel

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

Lisa Creighton Hendricks

5454 W. 110th Street
Overland Park, KS 66211-1204

Carl J. Lumley

Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
Clayton, MO 63105

Carol Keith

NuVox Communications
16090 Swingley Ridge Rd, Ste 500
Chesterfield, MO 63006

David J. Stueven

IP Communications Corporation
6405 Metcalf, Suite 120
Overland Park, KS 66202

Paul S. DeFord

Lathrop & Gage L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108

Mark W. Comley/Cathleen A. Martin

Newman, Comley & Ruth P.C.
601 Monroe, Suite 301
Jefferson City, MO 65101

Bradley R. Kruse

McLeodUSA Telecommunications Services,
Inc.
6400 C Street, SW, PO Box 3177
Cedar Rapids, IA 52406-3177

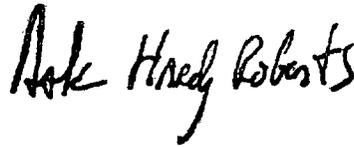
Michael C. Sloan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116

Paul B. Hudson
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116

Morton Posner, Esq.
Allegiance Telecom of MO, Inc.
1150 Connecticut Ave., NW, Ste 205
Washington, DC 20036

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge