

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Cbeyond Communications, LLP,)	
Global TelData II, LLC f/k/a)	
Global TelData, Inc.,)	Docket No. 05-0154
Nuvox Communications of Illinois, Inc.)	
and Talk America Inc.)	
-vs-)	
Illinois Bell Telephone Company)	
XO Illinois, Inc. and Allegiance Telecom)	
of Illinois, Inc.)	
-vs-)	Docket No. 05-0156
Illinois Bell Telephone Company)	
)	
Complaint pursuant to 220 ILCS 5/13-515.)	
McLeodUSA Telecommunications)	
Services, Inc.)	
-vs-)	Docket No. 05-0174
Illinois Bell Telephone Company)	
)	
Verified Complaint pursuant to 220 ILCS))	
5/13-515(e).)	

ILLINOIS COMMERCE COMMISSION STAFF'S
REPLY TO RESPONSES TO STAFF'S
EMERGENCY MOTION TO CONSOLIDATE

The Staff of the Illinois Commerce Commission, (hereafter "the Staff") pursuant to Section 200.600 of the Rules of Practice before the Illinois Commerce Commission, 83 Ill. Admin. Code 200.600, states, in reply to various Responses to Staff's Emergency Motion to Consolidate, as follows:

1. Staff filed its Emergency Motion to Consolidate on March 17, 2005.
2. On March 18, 2005, a status conference was convened in the matters

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Company, ICC Docket No. 05-0154, and XO Illinois, Inc. and Allegiance Telecom of Illinois, Inc. v. Illinois Bell Telephone Company: Complaint pursuant to 220 ILCS 5/13-515, ICC Docket No. 05-0154.

3. Counsel for both the Illinois Bell Telephone Company (hereafter “SBC”) and McLeod USA Telecommunications, Inc., (hereafter “McLeod”) in the matter McLeodUSA Telecommunications Services, Inc. v. Illinois Bell Telephone Company, ICC Docket No. 05-0174 were also present.

4. Counsel for SBC represented that SBC had no objection to consolidation, provided that the consolidated matters were concluded by a date no later than the statutory date for a Commission Order in the McLeod proceeding, that being May 24, 2005. In its Response to Staff’s Motion to Consolidate, filed on March 21, 2003, SBC again stated that it did not object to the granting of Staff’s Motion to Consolidate, provided that the matter is concluded by May 24, 2005. See SBC Response.

5. Counsel for McLeod likewise represented that McLeod did not object to consolidation, provided that McLeod was not prejudiced by being compelled to presented its case in less time than it would otherwise have to do so under Section 13-515 of the Illinois Public Utilities Act, 220 ILCS 5/13-515. McLeod likewise filed a Response to the Staff’s Motion to Consolidate, which memorialized its counsel’s representations.

6. Counsel for the Cbeyond Complainants represented that the Cbeyond complainants had no objection to consolidation.

7. Counsel for the XO Complainants stated that they would require an opportunity to consult with their clients, prior to assenting to Staff's Motion to Consolidate.

8. On March 21, 2005, at approximately 10:19 AM CST, counsel for the XO Complainants circulated an e-mail to the parties, stating in relevant part that: "Pursuant to the discussion during the status hearings on Friday, XO Illinois, Inc. and Allegiance agree to consolidate Docket 05-0156 with the two other cases, Dockets 05-0154 and 05-0174."

9. At the pre-hearing conference convened on March 18, the ALJ adopted two schedules, contingent upon whether the parties would ultimately agree to consolidation. The schedule consistent with agreement by all parties to consolidation is as follows:

March 28, 2005	Complainant Direct Testimony
April 7, 2005	SBC Rebuttal testimony
April 8, 2005, 2:00 PM	Status Hearing
April 11, 2005, 10:00 AM	Evidentiary Hearing
April 18, 2005	Simultaneous Initial Briefs
April 25, 2005	Simultaneous Reply Briefs
May 9, 2005	ALJ's Proposed Order
May 16, 2005, Noon	Petitions for Review of ALJPO
May 18, 2005	Reply to Petitions for Review of ALJPO
May 24, 2005	Commission Order

10. It is Staff's understanding that all parties have waived statutory requirements that the Commission complete this proceeding in a specified time. It is Staff's further understanding that such waiver is specific and limited, and that no party agrees, at least as of the filing of this Reply, to any waiver that would extend the duration of this proceeding beyond May 24, 2005.

THEREFORE, the Staff of the Illinois Commerce Commission respectfully requests that its Motion to Consolidate be granted, consistent with the arguments set forth herein.

Respectfully Submitted,

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March 22, 2005

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Illinois Commerce Commission