

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

METAMORA TELEPHONE COMPANY	)	
	)	
	)	
Petition For Declaratory Relief And/Or Suspension Or	)	Docket No. 05-0270
Modification Relating To Certain Duties Under	)	
Sections 251(b) and (c) Of The Federal	)	
Telecommunications Act, pursuant to Section	)	
251(f)(2) of that Act; and for any other necessary or	)	
appropriate relief.	)	

**PETITIONER’S RESPONSE TO STAFF  
REQUEST FOR CONSOLIDATION**

Metamora Telephone Company (“Metamora” or “Petitioner”) hereby responds to Staff’s May 4, 2005 Motion to Consolidate this docket with the similar Petitions of Cambridge Telephone Company (05-0259), C-R Telephone Company (05-0260), El Paso Telephone Company (05-0261), Geneseo Telephone Company (05-0262), Henry County Telephone Company (05-0263), Mid Century Telephone Cooperative (05-0264), Reynolds Telephone Company (05-0265), Metamora Telephone Company (05-0270) Harrisonville Telephone Company (05-0275) and Marseilles Telephone Company (05-0277) (jointly, “rural LECs”). Metamora does not oppose consolidation on issue of the standing of Sprint Communications, L.P. d/b/a Sprint Communications (“Sprint”) to demand negotiations under Section 251(b) or (c) or on the issue of whether Sprint’s demand implicates Section 251(c).

Metamora will not comment on Staff’s characterization of the petitions of the rural LECs, except to note that, while Staff is correct about the general thrust of the petitions, it is not entirely accurate about some of the details. Nevertheless, Metamora is in agreement with Staff that the identical factual and policy issues control the Commission’s consideration in each docket of Sprint’s status as a private carrier, and the conclusion that Sprint does not have the right to

demand negotiation from Metamora or the other rural LECs. Similarly, to the extent that Sprint's request is in fact a request for interconnection under Section 251(c), Metamora agrees with Staff that the same factual and policy issues will apply.

To the extent, however, that this Petition goes forward as a request for a suspension under Section 251(f)(2), the factual issues for each of the rural LECs, including the economic impact of agreement Sprint seeks, are likely to be different for each of the rural LECs. Therefore, consolidating the suspension requests is likely to lead to confusion about which evidence applies to which rural LEC and may raise questions about how each rural LEC has met its burden of proof.

### **Conclusion**

Therefore, Metamora suggests that the dockets be consolidated only for the purpose of Commission action on the first two elements of each Petition, *i.e.*, the impact of Sprint's status as a private telecommunications provider and whether Sprint's negotiation request implicates any Section 251(c) obligations. If, after considering these issues, the Commission concludes that there are residual obligations that can only be handled through suspension requests, the dockets should be deconsolidated for the purpose of hearing those suspension requests.

Dated this 10<sup>th</sup> day of May, 2005.

Respectfully submitted,

METAMORA TELEPHONE COMPANY

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By \_\_\_\_\_  
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CERTIFICATE OF SERVICE

(Docket No. 05-0270)

A copy of Metamora Telephone Company's Response To Staff Request For Consolidation was served upon the following persons by e-mail this 10<sup>th</sup> day of May, 2005.

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