

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

In the Matter of Southwestern Bell Telephone	)	Case No. TT-2002-472
Company's Tariff Filing to Initiate Residential	)	Tariff No. 200200831
Customer Winback Promotion	)	

In the Matter of Southwestern Bell Telephone	)	Case No. TT-2002-473
Company's Tariff Filing to Initiate Business	)	Tariff No. 200200828
Customer Winback Promotion	)	

**SOUTHWESTERN BELL TELEPHONE, L.P.'S**  
**d/b/a SOUTHWESTERN BELL TELEPHONE COMPANY'S**  
**MOTION TO STRIKE PORTIONS OF AT&T'S AND WCOM'S INITIAL BRIEFS**

Comes now Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company ("SWBT") and, for its Motion to Strike Portions of AT&T's and WCOM's Initial Briefs, states as follows:

1. On October 21, 2002, AT&T Communications of the Southwest, Inc. ("AT&T"), MCImetro Access Transmission Services, L.L.C. ("MCImetro"), Brooks Fiber Communications of Missouri, Inc. ("Brooks"), MCI WorldCom Communications ("MCIWC"), and NuVox Communications of Missouri, Inc. ("NuVox") (MCImetro, Brooks, MCIWC, and NuVox will collectively be referred to as "WCOM" since the WCOM entities and NuVox filed a Joint Brief) filed their Initial Briefs.

2. As the Commission is aware, in its Order Regarding List of Issues, it held that Issue Number 3 (Should the Commission commence an investigation regarding SWBT's winback and retention practices, including but not limited to SWBT's use of CPNI and wholesale disconnection information?) proposed by WCOM and AT&T, was beyond the scope of this case, which was established to consider whether to approve two particular tariffs offered by SWBT.<sup>1</sup>

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<sup>1</sup> Order Regarding List of Issues, In the Matter of Southwestern Bell Telephone Company's Tariff Filing to Initiate Residential Customer Winback Promotion, et al., Case Nos. TT-2002-472 and TT-2002-473, August 22, 2002.

3. Subsequently, in its Order Regarding Motions to Strike Testimony, the Commission struck certain testimony that was related to this issue.<sup>2</sup>

4. Despite the fact that the Commission has twice clearly ruled that issues related to SWBT's winback and retention practices, including SWBT's alleged misuse of CPNI and wholesale disconnect information, are beyond the scope of this docket, AT&T and WCOM once again seek to expand the scope of this docket in their Initial Briefs. Specifically, in the first two full paragraphs on page 3, page 22, and page 23 of AT&T's Initial Brief, AT&T asks the Commission to consider the effect of SWBT's winback practices and procedures on competition. Further, in the first full paragraph on page 25 through page 28 (right before WCOM's conclusion) of WCOM's Initial Brief, WCOM seeks to have the Commission consider SWBT's winback practices. Moreover, WCOM had the audacity to cite Mr. Don Price's testimony<sup>3</sup>, which the Commission struck in its Order Regarding Motions to Strike Testimony.

5. AT&T's and WCOM's actions should not be countenanced. Although SWBT stands by its winback practices and procedures as an appropriate marketing response, especially in a market where its competitors, admittedly, are selectively entering SWBT's markets and then aggressively only seeking to win SWBT's high-end customers<sup>4</sup>, if AT&T or WCOM disagrees with SWBT's winback practices and procedures, the Commission has already advised AT&T and

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<sup>2</sup> Order Regarding Motions to Strike Testimony, In the Matter of Southwestern Bell Telephone Company's Tariff Filing to Initiate Residential Customer Winback Promotion, et al., Case Nos. TT-2002-472 and TT-2002-473, September 17, 2002.

<sup>3</sup> WCOM's Initial Brief, p. 25 (Here WCOM cited Ex. 8, Price Rebuttal, p. 14, lines 1-3. The Commission struck this testimony in paragraph 1(A) of its Order Regarding Motions to Strike Testimony where it struck the sentence beginning on page 14, line 1, with "First. . .," and ending on page 14, line 3.) and p. 28 (Here, WCOM cites Ex. 8, Price Rebuttal, p. 17, lines 13-15. The Commission struck this testimony in paragraph 1(A) of its Order Regarding Motions to Strike Testimony where it struck page 14, line 9, continuing through page 17, line 15).

<sup>4</sup> T. 473, Price.

WCOM that the appropriate forum to raise such concerns would be in a complaint against SWBT as permitted by Sections 386.330, RSMo. 2000, and 4 CSR 240-2.070.<sup>5</sup>

Wherefore, Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company, prays the Commission grants its Motion to Strike Portions of AT&T's and WCOM's Initial Briefs, including the first two full paragraphs on page 3, page 22, and page 23 of AT&T's Initial Brief and the first full paragraph on page 25 through page 28 (right before WCOM's conclusion) of WCOM's Initial Brief, together with any further and/or additional relief the Commission deems just and proper.

Respectfully submitted,

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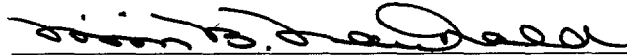
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<sup>5</sup> Order Regarding List of Issues, In the Matter of Southwestern Bell Telephone Company's Tariff Filing to Initiate Residential Customer Winback Promotion, et al., Case Nos. TT-2002-472 and TT-2002-473, August 22, 2002, p. 3.

**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on October 28, 2002.

  
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