

2345 GRAND BOULEVARD  
SUITE 2500  
KANSAS CITY, MISSOURI 64108-2684  
816-292-2000, FAX 816-292-2001



1050/40 CORPORATE WOODS  
9401 INDIAN CREEK PARKWAY  
OVERLAND PARK, KANSAS 66210-2007  
816-292-2000, FAX 913-451-0875

August 6, 1999

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65101

**FILED**  
AUG 06 1999  
Missouri Public  
Service Commission

Re: Case No. TA-2000-33

Dear Judge Roberts:

Attached for filing with the Commission is the original and fifteen (15) copies of AT&T Communications of the Southwest Inc's Application to Intervene and Motion to Consolidate in the above referenced matter.

I thank you in advance for your cooperation in bringing this to the attention of the Commission.

Very truly yours,

LATHROP & GAGE, L.C.

By: Paul S. DeFord  
Paul S. DeFord

Attachment

cc: All parties of record

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

AUG 06 1999

Missouri Public  
Service Commission

In the Matter of the application of )  
Grand River Communications, Inc., d/b/a )  
Grand River Long Distance for a certificate )  
of service authority to provide interexchange and )  
local exchange telecommunications services. )

Case No. TA-2000-33

APPLICATION TO INTERVENE AND MOTION TO CONSOLIDATE

COMES NOW AT&T Communications of the Southwest, Inc. ("AT&T") and AT&T Wireless Services, Inc. ("AWS") and for their Application to Intervene state as follows:

1. AT&T is a competitive interexchange telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Delaware, authorized to do business in the State of Missouri as a foreign corporation. AT&T's principal Missouri offices are located at 1100 Walnut, Kansas City, Missouri 64106. AT&T is an authorized provider of intrastate interexchange telecommunications services in Missouri under authority granted and tariffs approved by the Commission, as well as an authorized provider of interstate interexchange telecommunications services under a certificate granted and tariffs approved by the Federal Communications Commission. AT&T has been granted authority to provide local exchange service and basic local exchange service in portions of Missouri.

2. All communications and pleadings in this docket should be directed to:

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

Kevin K. Zarling  
AT&T Communications of the Southwest, Inc.  
919 Congress, Suite 900  
Austin, Texas 78701

3. Grand River Communications Inc. ("Grand River" or "Applicant") has recently filed two separate applications with the accompanying tariffs seeking authority to provide interexchange and local exchange telecommunications services in Missouri. Both of the applications identify a different fictitious name under which the corporation proposes to provide service in two separate incumbent local exchange companies service territories.

4. Under the proposed applications and tariffs, the applicant, Grand River Communications, will be providing interexchange toll service at different rates in the exchanges of Grand River Mutual Telephone Corporation than it charges in the exchanges of Lathrop Telephone Company. This constitutes deaveraged toll rates. Even though the applicant proposes to disguise this deaveraging through the smoke and mirrors of fictitious names operating in each LEC territory, the fact remains that the same corporate entity, Grand River Communications, will be charging different rates for 1+ interexchange service based upon the underlying ILEC franchise territory. An analogous service from AT&T would be for AT&T to obtain a fictitious name, file an application and tariffs limiting interexchange service only to the exchanges of Southwestern Bell Telephone Company. The outcome of such a filing would be the same as AT&T's "intraLATA overlay plan" which has been suspended by the Commission until May 23, 2000<sup>1</sup>.

4. AT&T does not oppose approval of the applications or the accompanying tariffs. However, it is compelled to point out that the effect of the proposed tariffs is to put in place a rate

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<sup>1</sup> Case No. TT-2000-52. *In the Matter of the Tariff Filing by AT&T Communications of the Southwest, Inc Designed*

structure identical to that proposed to AT&T's "intraLATA overlay plan" tariff which has been suspended by the Commission. The Applicant's parent companies or its affiliates sought the suspension of AT&T's proposed tariff based on the contention that AT&T's proposed overlay tariff constituted geographic deaveraging of rates. To the extent Grand River's proposed tariffs are similar, if not identical, in principal to AT&T's proposed tariffs, it is AT&T's position that they should be treated and processed in the same manner by the Commission. To that end, AT&T submits that Grand River's tariffs should not be approved and should be suspended until such time as the Commission resolves the alleged deaveraging issues associated with AT&T's overlay tariff. AT&T submits that time and resources may be conserved by consolidation of Grand River's two filings with Fiber Four's four filings<sup>2</sup> and AT&T's overlay docket.

6. Conversely, if the Commission determines that suspension of the proposed applications and tariffs is not warranted, then AT&T and every IXC operating in Missouri should have the same ability to use fictitious names and limited tariffs to deaverage toll rates without the burden of a hearing.

5. As a provider of telecommunication services, AT&T interests are different than that of the public generally and no other party to this case can adequately protect those interests. Further, AT&T's intervention in this proceeding is in the public interest because of its interest in enhancing

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*to Implement an IntraLATA Toll Overlay Plan*

2. Fiber Four Corporation filed four filed similar applications and tariffs that raise issues identical to those in the immediate Grand River Communications, Inc. filing. Fiber Four Corporation's cases were TA-00-023, TA-00-024, TA-00-025, and TA-00-027 and were consolidated with TA-00-023 being the lead case.

competition and because of its expertise in the telecommunications industry. At this time, AT&T also provides intraLATA interexchange service in the service territories of Grand River Mutual Telephone Corporation and Lathrop Telephone Company, therefore Grand River is a competitor of AT&T and AT&T has a justiciable interest in the terms and conditions of Grand River's proposed tariff. Moreover, because Grand River's proposed tariff application requests essentially the same relief sought by AT&T in Case No. TT-2000-52, AT&T has a justiciable interest in the Commission's decision in the instant case.

**WHEREFORE**, AT&T respectfully requests the Commission enter its Order granting AT&T's Application to Intervene.

Respectfully submitted,

**LATHROP & GAGE L.C.**



Paul S. DeFord

MO Bar #29509

LATHROP & GAGE L.C.

2345 Grand Boulevard, Suite 2800

Kansas City, MO 64108

PHONE: (816) 292-2000 FAX: (816) 292-2001

Kevin K. Zarling TX # 22249300

AT&T Communications of the Southwest

919 Congress, 9<sup>th</sup> Floor

Austin, Texas 78701

Attorneys for AT&T Communications

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was served upon the following persons by depositing a true copy thereof in the United States mail, postage prepaid, this 6<sup>th</sup> day of August, 1999.

W.R. "Trip" England  
Sondra Morgan  
Brydon, Swearengen & England  
312 E. Capitol  
P. O. Box 456  
Jefferson City, MO 65102

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

Dan Joyce  
General Counsel  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

  
AN ATTORNEY FOR AT&T COMMUNICATIONS  
OF THE SOUTHWEST, INC.