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October 5, 1999

FILED<sup>3</sup>

OCT 05 1999

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
301 West High Street, Floor 5A  
Jefferson City, Missouri 65101

Missouri Public  
Service Commission

Re: Case Nos. TC-2000-225 and TC-2000-226

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in each of the above-referenced cases is an original and 14 copies of Response of Southwestern Bell Telephone Company To Motions To Consolidate Complaint Cases.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

*Anthony K. Conroy/TM*

Anthony K. Conroy

Enclosure

cc: Attorneys of Record

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

MCI WorldCom Communications, Inc.     )  
   )  
v.   )  
   )  
Southwestern Bell Telephone Company.     )

~~Case No. TC-2000-225~~

**FILED<sup>3</sup>**  
OCT 05 1999  
Se Missouri Public  
Service Commission

Brooks Fiber Communication of Missouri,     )  
Inc.   )  
   )  
v.   )  
   )  
Southwestern Bell Telephone Company.     )

Case No. TC-2000-226

**RESPONSE OF SOUTHWESTERN BELL TELEPHONE COMPANY  
TO MOTIONS TO CONSOLIDATE COMPLAINT CASES**

COMES NOW Southwestern Bell Telephone Company (SWBT), and for its Response to MCI WorldCom Communications, Inc.'s (WorldCom's) and Brooks Fiber Communication of Missouri, Inc.'s (Brooks') Motions to Consolidate, states to the Missouri Public Service Commission (Commission) as follows:

1. SWBT does not oppose WorldCom's and Brooks' Motions to Consolidate. WorldCom's and Brooks' Complaints raise the same issue -- whether the Commission should classify Internet traffic as "local" traffic under separate interconnection agreements with SWBT which were entered into in 1996 (MFS) and early 1997 (Brooks) pursuant to the federal Telecommunications Act of 1996. SWBT has consistently maintained and the FCC has recently reaffirmed that Internet traffic is not local, but rather interstate and interexchange in nature, subject to the jurisdiction of the FCC. In its Order Clarifying Arbitration Order in the Birch

Telecom case,<sup>1</sup> the Commission agreed that Internet traffic is subject to the primary jurisdiction of the FCC and was not subject to local reciprocal compensation. Inasmuch as the underlying issue in both the MCI and Brooks complaints appears to be the same, however, SWBT sees no reason why the Commission may not resolve both complaints in the same proceeding.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY


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<sup>1</sup> In the Matter of the Petition of Birch Telecom of Missouri, Inc. for Arbitration of the Rates, Terms, Conditions and Related Arrangements for Interconnection with Southwestern Bell Telephone Company, Case No. TO-98-278, Order Clarifying Arbitration Order (effective April 16, 1999).

**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on October 5, 1999.

  
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