

Leo J. Bub
Senior Counsel

Southwestern Bell Telephone
One Bell Center
Room 3518
St. Louis, Missouri 63101
Phone 314 235-2508
Fax 314 247-0014



July 7, 2000

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

FILED²
JUL 07 2000
Missouri Public
Service Commission

Re: Case No. TO-2000-667

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and eight copies of Southwestern Bell Telephone Company's Motion for Extend the Time to File a Procedural Schedule.

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

Very truly yours,

Leo J. Bub / TM

Leo J. Bub

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

JUL 07 2000

Missouri Public
Service Commission

In the Matter of the Investigation Into)
the Effective Availability for Resale)
of Southwestern Bell Telephone)
Company's Local Plus Service by)
Interexchange Companies and)
Facilities-Based Competitive Local)
Exchange Companies)

Case No. TO-2000-667

**SOUTHWESTERN BELL TELEPHONE COMPANY'S MOTION TO EXTEND
THE TIME TO FILE A PROCEDURAL SCHEDULE**

Southwestern Bell respectfully requests the Commission to extend the date for filing a procedural schedule in this case until ten days after the Commission issues an order defining the appropriate scope of the issues to be investigated here. In support of this Motion, Southwestern Bell states:

1.. The Commission opened this case on its own motion and directed Staff to investigate the effective availability for resale of Local Plus® by interexchange carriers (IXCs) and competitive local exchange carriers (CLECs).¹ In its April 20, 2000 Order Making Southwestern Bell Telephone Company a Party and Directing Notice issued in this case, the Commission confirmed its intent to "investigate the effective availability for resale of Southwestern Bell Telephone Company's (SWBT's) Local Plus service by interexchange carriers and facilities-based competitive local exchange companies" and directed the parties to file a proposed procedural schedule by July 11, 2000.²

¹ In the Matter of Southwestern Bell Telephone Company's Proposed Tariff to Introduce a Discount on the Local Plus Monthly Rate, Case No. TT-2000-258, Report and Order Issued April 6, 2000, page 13.

² In the Matter of the Investigation Into the Effective Availability for Resale of Southwestern Bell Telephone Company's Local Plus Service by Interexchange Companies and Facilities-Based Competitive Local Exchange Companies, Case No. TO-2000-667, Order Making Southwestern Bell Telephone Company a Party and Directing Notice, issued April 20, 2000, pp. 1, 4.

2. Missouri Independent Telephone Group (MITG) and the Small Telephone Company Group (STCG) filed applications to intervene in this case. In those pleadings, they sought to raise issues pertaining to terminating compensation, the facilities to be utilized in routing this traffic for termination, the recording systems that will be utilized, the records that will be made, who will be responsible for delivering or passing such records, and the integration of such systems into the existing systems in use between IXC's, CLEC's and LEC's.³

3. Given that the issues MITG and STCG seek to inject into this proceeding are beyond the scope of the investigation as originally outlined, the Commission, at the June 27, 2000 prehearing in this case, asked the parties to submit written suggestions regarding whether it should limit the issues to be addressed in this case as originally contemplated. The Commission sought the parties' comments by July 7, 2000 and provided parties with an opportunity to respond to any such filed comments by July 17, 2000.

4. Southwestern Bell complied with the Commission's request and made a filing on July 7, 2000 expressing its views. Southwestern Bell recommended that this case be confined to investigating the availability of Local Plus for resale as originally outlined by the Commission. Southwestern Bell also suggested that issues like those being raised by MITG and STCG were more appropriately raised in Case No. TO-99-593, the Commission's investigation into signaling protocols, call records, trunking arrangement and traffic measurement.

5. But regardless of the Commission's decision on the scope of its investigation, Southwestern Bell does not believe it would be appropriate to set a procedural schedule in this case until the investigation's scope is defined. If the Commission were to decide to expand this investigation to consider issues being raised by MITG and STCG, the scope of the Commission's investigation potentially could double.

³ MITG Application to Intervene, page 2; STCG Application to Intervene, pages 2-3.

6. The Commission's decision on the scope of the investigation will directly impact which expert witnesses Southwestern Bell (and perhaps other parties as well) will need to make available for this case. If the case is confined to issues surrounding the availability of Local Plus for resale, Southwestern Bell's witnesses most likely will be subject matter experts in the product management and wholesale marketing areas. But if the case is expanded as MITG and STCG request, Southwestern Bell may also need to involve subject matter experts in the industry relations, intercompany settlements, billing, and/or network areas. Before locking down a procedural schedule here, Southwestern Bell would like to be able to identify the witnesses it would need to make available, check their work schedules to make sure they have not made commitments in other jurisdictions that would preclude them from being able to meet the procedural dates in any schedule proposed in this case, and to block out procedural dates for this case on their calendars.

7. The scope of the issues will impact not only the number of witnesses that will need to be involved in this case, but also the time needed to prepare the case. The broader the scope of issues, the more time Southwestern Bell will need to prepare its direct testimony addressing issues designated for investigation. In addition, some parties indicated during the prehearing that they intend to conduct discovery which they plan to use in their prefiled testimony. But until the scope of the issues are defined, none of the parties would know what was relevant to the Commission's inquiry and thus within the permissible scope of discovery.

8. Southwestern Bell does not believe that extending the date for filing a procedural schedule until ten days after the scope of the issues is defined by the Commission will unduly delay the proceedings in this case.

WHEREFORE, Southwestern Bell requests the Commission to postpone the date for filing a procedural schedule in this case until ten days after the Commission issues an order determining the scope of this case. Doing so would allow parties to ensure the availability of appropriate witnesses, accommodate an orderly discovery process, and adequately prepare their direct testimony.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY Leo J. Bub / TM
PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
MIMI B. MACDONALD #37606
Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101
314-235-2508 (Telephone)
314-247-0014 (Facsimile)
leo.bub@sbc.com (E-Mail)

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by facsimile and first-class, postage prepaid, U.S. Mail on July 7, 2000.

Leo J. Bub / TM

Leo J. Bub

DAN JOYCE
MISSOURI PUBLIC SERVICE COMMISSION
301 W. HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65101

JEFFREY A. KEEVIL
CHARLES BRENT STEWART
STEWART & KEEVIL, L.L.C.
1001 CHERRY STREET, SUITE 302
COLUMBIA, MO 65201

MICHAEL F. DANDINO
OFFICE OF THE PUBLIC COUNSEL
301 W. HIGH STREET, SUITE 250
JEFFERSON CITY, MO 65101

CRAIG S. JOHNSON
LISA C. CHASE
ANDERECK, EVANS, MILNE, PEACE &
JOHNSON, L.L.C.
PO BOX 1438
JEFFERSON CITY, MO 65102

WILLIAM R. ENGLAND III
BRYDON, SWEARENGEN & ENGLAND
312 E CAPITOL AVENUE
PO BOX 456
JEFFERSON CITY, MO 65102

PAUL S. DEFORD
LATHROP & GAGE
2345 GRAND BLVD, SUITE 2500
KANSAS CITY, MO 64108

KEVIN ZARLING
AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC.
919 CONGRESS, SUITE 1500
AUSTIN, TX 78701