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June 2, 1997

FILED
JUN 2 1997
MISSOURI
PUBLIC SERVICE COMMISSION

Mr. Cecil I. Wright
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

Re: Case No. TW-97-333

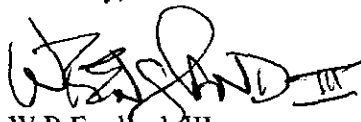
Dear Mr. Wright:

Enclosed for filing in the above-referenced matter, please find an original and fourteen copies of the Small Telephone Company Group's Motion to Compel Southwestern Bell Telephone Company to Answer Certain Data Requests.

Please see that this filing is brought to the attention of the appropriate Commission personnel. Copies are today being provided to parties of record.

If there are any questions regarding this filing, please direct them to the undersigned. I thank you in advance for your cooperation in this matter.

Sincerely,


W.R. England, III

WRE/da
Enclosures
cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JUN 2 1997

MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of an Investigation)
into the Provision of Community)
Optional Calling Service in)
Missouri.)
Case No. TW-97-333

SMALL TELEPHONE COMPANY GROUP'S
MOTION TO COMPEL SOUTHWESTERN BELL TELEPHONE COMPANY
TO ANSWER CERTAIN DATA REQUESTS

Comes now the Small Telephone Company Group ("STCG"), members of which are listed on Attachment "A" hereto, and for its Motion to Compel Southwestern Bell Telephone Company (SWBT) to Answer Certain Data Requests states to the Missouri Public Service Commission (Commission) as follows:

1. On May 20, 1997, the STCG served its Second Set of Data Requests, Nos. 1 through 7, on SWBT. (A copy of STCG's Second Set of Data Requests is attached hereto and incorporated herein by reference as Exhibit 1.)
2. On May 29, 1997, (9 days after receipt of the Data Requests), SWBT served on counsel for STCG objections to Data Requests No. 1, 4, 5, 6 and 7 (a copy of SWBT's objections is attached hereto and incorporated herein by reference as Exhibit 2). Essentially, SWBT takes the position that the data requested in Data Requests No. 1, 4, 5, 6, and 7 is irrelevant and, in the case of Data Requests No. 4, 5, 6 and 7, that said Requests are overbroad and burdensome. On the contrary, the information sought by these Data Requests directly relates to specific issues and statements which have been injected into this proceeding by SWBT. Moreover, SWBT's failure to specifically explain why certain Data Requests are overbroad and/or burdensome belie SWBT's bald assertion as such and are not a legitimate reason to withhold otherwise relevant

information.

3. Data Request No. 1 seeks information regarding the provision of Internet service by SWBT (or an affiliate). This information is clearly relevant in light of SWBT's assertion, in the rebuttal testimony of its witnesses Taylor and Bourneuf, that the provision of Internet services through the use of Community Optional Service (COS) is a "misuse" of COS. SWBT argues that the provision of Internet service through COS involves prohibited "resale or sharing" of COS. The fact that SWBT has partially responded by stating that it "does not purchase COS service for resale to any affiliate providing Internet services" does not fully answer the question. The STCG seeks to learn if SWBT (or an affiliate) provides any Internet services. If so, the manner in which SWBT provisions that service may be relevant in determining whether or not SWBT's contention that the provision of Internet services constitutes the prohibited resale and/or sharing of COS is appropriate. Accordingly, Data Request No. 1 is clearly relevant to the instant proceeding and SWBT should be compelled to respond fully to the request.

4. Data Requests No. 4, 5, 6 and 7 seek information regarding SWBT's intralata toll revenues and associated access expense both on a statewide and "company specific" basis. This information is also clearly relevant to the instant proceeding inasmuch as COS is classified and tariffed as a "toll" service. Specifically, the requested information is relevant in light of SWBT witness Taylor's assertions, in his rebuttal testimony (pp. 2-3), that "SWBT's historic toll revenue stream will not be there to support such losses (related to COS)" and that "SWBT loses money as the PTC for intralata toll service in those exchanges (served by secondary carriers)." The requested information seeks to determine, among other things, the truth of those assertions. Clearly the information sought by Data Requests 4, 5, 6 and 7 is relevant to the instant

proceeding and SWBT should be compelled to provide it.

5. According to Commission rule, answers to the STCG's Second Set of Data Requests are due on June 9, 1997 (i.e., 20 days after May 20, 1997). Assuming the Commission agrees that Data Requests No. 1, 4, 5, 6 and 7 seek information that is relevant to the instant proceeding, then the STCG requests that SWBT be compelled to provide its answers no later than June 9, 1997. If SWBT is unable to provide those answers by June 9, 1997, the STCG requests that the hearing in this Case, currently scheduled for June 23 and 24, 1997, be postponed to allow a minimum of fourteen (14) days from the receipt of this information in order to allow the STCG to review the responses and prepare for cross examination.

WHEREFORE, the STCG respectfully requests the Commission to compel SWBT to answer the STCG's Second Set of Data Requests, No. 1, 4, 5, 6 and 7, no later than June 9, 1997, and for such other orders as are appropriate in the circumstances.

Respectfully submitted,



W. R. England, III Mo. #23975
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65101-0456

Attorneys for
The Small Telephone Company Group

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed, United States Mail, postage prepaid, this 2nd day of June, 1997, to:

Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

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Andereck, Evans et al.
301 East McCarty, Box 1438
Jefferson City, Missouri 65102-1438

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Leland B. Curtis
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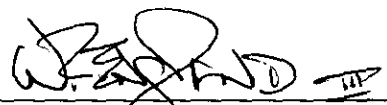
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Jefferson City, Missouri 65102

Mark W. Comley
Newman, Comley & Ruth
P.O. Box 537
Jefferson City, Missouri 65102



W.R. England III

ATTACHMENT A

ALLTEL Missouri Inc.
Bourbeuse Telephone Company
BPS Telephone Company
Cass County Telephone Company
Citizens Telephone Company of Higginsville, Missouri, Inc.
Craw-Kan Telephone Cooperative, Inc.
Ellington Telephone Company
Fidelity Telephone Company
Goodman Telephone Company, Inc.
Grand River Mutual Telephone Corporation
Green Hills Telephone Corp.
Holway Telephone Company
Kingdom Telephone Company
KLM Telephone Company
Lathrop Telephone Company
McDonald County Telephone Company
Mark Twain Rural Telephone Company
Miller Telephone Company
New Florence Telephone Company
New London Telephone Company
Orchard Farm Telephone Company
Stoutland Telephone Company

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the an investigation)
into the Provision of Community) Case No. TW-97-333
Optional Calling Service in Missouri.)

THE SMALL TELEPHONE COMPANY GROUP'S
SECOND SET OF DATA REQUESTS
TO SWBT

The Small Telephone Company Group (STCG), in accordance with Commission Rule 4 CSR 240-2.090(2) submits the following data requests to Southwestern Bell Telephone Company (SWBT).

The responses to the data requests are subject to the following conditions:

1. The term "you," "your" or "SWBT" means Southwestern Bell Telephone Company and any director, officer, employee, servant, agent, consultant, expert advisor or representative of it or its subsidiaries or affiliated companies, and any other person acting under its control or on its behalf.
2. Each Data Request is continuing in nature. Thus, if SWBT acquires additional information with respect to data after any Data Request has been initially answered, SWBT is required to supplement its response following the receipt of such additional information, giving the additional information to the same extent as originally requested.
3. In the event SWBT asserts that any data requested is privileged, SWBT should identify any such data and any supporting documents in its written response and describe, with particularity, the grounds upon which any privilege is claimed.

4. In the event SWBT asserts that any requested data is not available in the form requested, SWBT, in its written response thereto, should disclose the following:

(a) The form in which the requested data currently exists (identifying documents by title or description);

(b) The earliest dates, time period and location that representatives of STCG may inspect SWBT's files, records or documents in which the requested data currently exists.

5. As used in these Data Requests, the terms "document," "documents" and "documentary material" include, but are not limited to, the following items, whether printed, recorded, written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders; intraoffice and interoffice communications; correspondence; statements; returns; diaries; workpapers; graphs; notebooks; notes; charts; computations; plans; drawings; sketches; computer printouts; summaries or records of meetings or conferences; summaries or reports of investigations or negotiations; opinions or reports of consultants; photographs; brochures; bulletins; pamphlets; books; articles; advertisements; circulars; press releases; graphic records, representations or publications of any kind (including microfilm, microfiche, videotape, and records, however produced or reproduced); electronic, mechanical and electrical records of any kind (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand, or use the same); all drafts, prints, issues, alterations, modifications, changes and amendments of the foregoing; and other documents or tangible things

of whatever description which constitute or contain information within the scope of a Data Request and which are in the possession, custody or control of SWBT.

6. The phrase "possession, custody, or control" includes the joint and several possession, custody, or control not only by one or more employees or representatives of SWBT, but also by each or any person acting or purporting to act on behalf of SWBT or any of its employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise.

7. For each Data Request answered, provide the name of the person or persons answering, the title of such person(s), and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.

DATA REQUESTS

D.R. No. 1. Does SWBT, either by itself or through an affiliate, provide Internet services to customers in Missouri? If so, please identify the entity providing the Internet services, the Missouri exchanges in which the Internet services are available, the rates for the Internet services and the number of customers served as of April 30, 1997.

D.R. No. 2. In SWBT exchanges which are "petitioning exchanges" on a COS route, is SWBT aware of any Internet service providers (including itself) that subscribe to COS? If so, please identify the name of the Internet service provider, the number of COS lines to which the provider subscribes, the amount of minutes of use originating on those COS lines for calendar year 1996, the names of the petition and target exchanges plus any EAS points.

D.R. No. 3. In Schedule RCS-2, attached to Robert C. Schoonmaker's direct testimony, the information indicates that in those exchanges where SWBT serves the petitioning exchange on a COS route that return calling from the target exchange (measured in minutes of use) exceeds calling from the petitioning to the target exchange. Please identify all facts and/or circumstances of which SWBT is aware which would explain why return calling on these COS routes exceeds calling from the petitioning to target exchanges.

- D.R. No. 4.** Please provide total intrastate intralata Long Distance Message Telecommunication Service (toll) revenues received during calendar year 1996. Please break this information down to show, by Company, total intralata toll revenues received from each local exchange company (LEC) (including SWBT).
- D.R. No. 5.** Please provide total intrastate intralata access expense paid for 1996 to each LEC associated with the total intrastate intralata toll revenue provided in the proceeding request. Please break down the access expense by switched access rate element, including billing and collection, paid to each LEC (including access imputed by SWBT to itself).
- D.R. No. 6.** Please provide total intrastate intralata revenue billed and received in 1996 by SWBT for traffic originating in SWBT exchanges and terminating in exchanges served by each LEC. Please show this information by Company.
- D.R. No. 7.** Please provide the total intrastate intralata access expense paid by SWBT to the LECs for the intrastate intralata traffic included in question 6 proceeding, by Company.

Leo J. Bub
Attorney
Phone 314 247-3080

Southwestern Bell Telephone
Legal Department
Room 630
100 North Tucker Boulevard
St. Louis, MO 63101-1978
Phone 314 247-2022
Fax 314 247-0881

 Southwestern Bell

VIA FACSIMILE

May 29, 1997

Mr. William R. England III
Brydon, Swearingen & England
312 E. Capitol Avenue
Jefferson City, Missouri 65101

RECEIVED
MAY 30 1997
BRYDON, SWEARENGEN
& ENGLAND P.C.

Re: COS Investigation - Case No. TW-97-333

Dear Trip:

We received your Second Set of Data Requests you faxed to us on May 20, 1997, and have the following objections:

DATA REQUEST NO. 1

INFORMATION REQUESTED:

Does SWBT, either by itself or through an affiliate, provide Internet services to customers in Missouri? If so, please identify the entity providing the Internet services, the Missouri exchanges in which the Internet services are available, the rates for the Internet services and the number of customers served as of April 30, 1997.

OBJECTION:

Southwestern Bell objects to this Data Request on the grounds that it seeks irrelevant information. Without waiving its objection, Southwestern Bell states that it does not purchase COS service for resale to any affiliate providing Internet services.

DATA REQUEST NO. 4

INFORMATION REQUESTED:

Please provide total intrastate intraLATA Long Distance Message Telecommunications Services (toll) revenues received during calendar year 1996. Please break this information down to show, by company, total intraLATA toll revenues received from each local exchange company (LEC) (including SWBT).

Mr. William R. England III
May 29, 1997
Page 2

OBJECTION:

Southwestern Bell objects to this Data Request on the grounds that it is overbroad, burdensome and seeks the production of irrelevant information.

DATA REQUEST NO. 5

INFORMATION REQUESTED:

Please provide total intrastate intraLATA access expense paid for 1996 to each LEC associated with the total intrastate intraLATA toll revenue provided in the preceding request. Please break down the access expense by switched access rate element, including billing and collection, paid to each LEC (including access imputed by SWBT to itself).

OBJECTION:

Southwestern Bell objects to this data request on the grounds that it is overbroad, burdensome and seeks the production of irrelevant information.

DATA REQUEST NO. 6

INFORMATION REQUESTED:

Please provide total intrastate intraLATA revenue billed and received in 1996 by SWBT for traffic originating in SWBT exchanges and terminating in exchanges served by each LEC. Please show this information by company.

OBJECTION:

Southwestern Bell objects to this data request on the grounds that it is overbroad, burdensome and seeks the production of irrelevant information.

DATA REQUEST NO. 7

INFORMATION REQUESTED:

Please provide the total intrastate intraLATA access expense paid by SWBT to the LECs for the intrastate intraLATA traffic included in Data Request No. 6, preceding, by company.

Mr. William R. England III
May 29, 1997
Page 3

OBJECTION:

Southwestern Bell objects to this data request on the grounds that it is overbroad, burdensome and seeks the production of irrelevant information.

Please call me with any questions or if you would like to discuss any of our objections.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leo J. Bub", is positioned above the printed name.

Leo J. Bub