

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

R. Arthur Gentry, d/b/a Excelsior Professional)	
Services, Inc., d/b/a Excel Computer Store,)	
d/b/a Gentry and Associates, d/b/a epsi.net,)	
)	
Complainants,)	
)	<u>Case No. TC-2004-0059</u>
v.)	
)	
)	
Southwestern Bell Corporation,)	
)	
Respondent.)	

MOTION TO DISMISS AND ANSWER

SBC Communications Inc., formerly known as Southwestern Bell Corporation, respectfully submits this Motion to Dismiss and Answer to the Missouri Public Service Commission (“Commission”).

MOTION TO DISMISS

SBC Communications Inc., pursuant to 4 CSR 240-2.070(6), respectfully moves to dismiss the Complaint filed against it by R. Arthur Gentry, d/b/a Excelsior Professional Services, Inc., d/b/a Excel Computer Store, d/b/a Gentry and Associates, d/b/a epsi.net (“Complainant”) on the grounds that the Complaint names the wrong party, fails to state a claim upon which relief may be granted, and fails to set out the jurisdiction of the Commission over this Complaint as required by 4 CSR 240-2.070(5)(F).

SBC Communications Inc., formerly known as Southwestern Bell Corporation, does no business in the state of Missouri and does not operate under the jurisdiction of the Commission within the meaning of Section 386.250 RSMo. (2000). Southwestern Bell Corporation is the former name of SBC Communications Inc., a Delaware corporation and mere corporate holding

company. SBC Communications Inc., formerly known as Southwestern Bell Corporation, is not a “telecommunications company” as defined by Section 386.020(51) and does not provide “telecommunications service” as defined by Section 386.020(53). Accordingly, the Commission should dismiss this Complaint against Southwestern Bell Corporation.

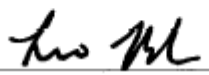
ANSWER

SBC Communications Inc., formerly known as Southwestern Bell Corporation, pursuant to 4 CSR 240-2.070(8), states that it does not provide telecommunications service within the State of Missouri. Accordingly, SBC Communications Inc., formerly known as Southwestern Bell Corporation, denies that it provided any telecommunications services to Complainant and further denies all other allegations in the Complaint as alleged against Southwestern Bell Corporation.

WHEREFORE, SBC Communications Inc., formerly known as Southwestern Bell Corporation, respectfully moves the Commission to dismiss the Complaint.

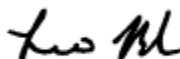
Respectfully submitted,

SBC COMMUNICATIONS INC.

BY  _____
PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
MIMI B. MACDONALD #37606
Attorneys for SBC Communications Inc., f/k/a
Southwestern Bell Corporation
One SBC Center, Room 3518
St. Louis, Missouri 63101
314-235-2508 (Telephone)\314-247-0014 (Facsimile)
leo.bub@sbc.com

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail or first class, postage prepaid, U.S. Mail on August 21, 2003.



Leo J. Bub

GENERAL COUNSEL
MARC POSTON
MISSOURI PUBLIC SERVICE COMMISSION
PO BOX 360
JEFFERSON CITY, MO 65102

PUBLIC COUNSEL
JOHN B. COFFMAN
OFFICE OF THE PUBLIC COUNSEL
PO BOX 7800
JEFFERSON CITY, MO 65102

CHARLES A. GENTRY
R. ARTHUR GENTRY
515 E. HIGH STREET
JEFFERSON CITY, MO 65101