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September 16, 2002

Secretary of the Commission  
Missouri Public Service Commission  
200 Madison, Suite 100  
St. Louis, Missouri 65101

Via Federal Express  
835733397720

**FILED**<sup>4</sup>

SEP 17 2002

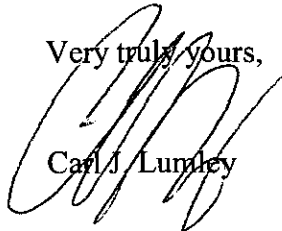
Re: Case Nos. TT-2002-472  
TT-2002-473

Missouri Public  
Service Commission

Dear Secretary of the Commission:

Enclosed please find for filing with your office an original and nine (9) copies of MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc. and MCI WorldCom Communications, Inc. Reply to SWBT's Response to Motion to Strike. Please file stamp the extra copy received and return to the undersigned in the enclosed, self-addressed, stamped envelope. If you have any questions, please contact us.

Very truly yours,



Carl J. Lumley

CJL:dn  
Enclosure  
cc. Parties of Record (W/Enclosure)

**FILED<sup>4</sup>**  
SEP 17 2002

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of Southwestern Bell )  
Telephone Company's Tariff to Initiate ) Case No. TT-2002-472  
Residential Customer Winback Promotion ) Tariff No. 200200831

Missouri Public  
Service Commission

In the Matter of Southwestern Bell Telephone )  
Company's Tariff Filing to Extend Business ) Case No. TT-2002-473  
Customer Winback Promotions. ) Tariff No. 200200828

**REPLY TO SWBT'S RESPONSE TO MOTION TO STRIKE**

Come Now MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc., and MCI WorldCom Communications, Inc. (WCOM) and for their Reply to SWBT's Response to their Motion to Strike state to the Commission:

1. SWBT entered this case with full knowledge of the Commission's prior rejection of its unlawful winback promotions in Case Nos. TT-2002-108 et al. just last December. That knowledge included the reasons for the Commission's rejection of those winback tariffs, as stated in the Report and Order in that case. Those reasons clearly and unmistakably included conclusions drawn by the Commission about the "economics of competition" of the basic local market.

2. Notwithstanding that knowledge, SWBT withheld direct "economic" testimony from Dr. Aron (who previously testified as part of its direct case regarding term discounts) and instructed its company witnesses to pretend that the decision in Case Nos. TT-2002-108 did not exist. These witnesses recite in their direct testimony occasions prior to that decision by which the Commission approved certain winback discounts, yet fail to disclose and indeed do not even acknowledge the subsequent (and most recent) issuance of the decision in Case No. TT-2002-108 (even though one of the witnesses testified in that case).

3. In this case, SWBT not only has the burden of supporting its tariff, but it also has the burden of somehow demonstrating that the Commission should reconsider its recent decision in Case No. TT-2002-108. Instead of striving to meet that burden in its direct case as required by 4 CSR 240-2.130, SWBT intentionally held back evidence, including the purported surrebuttal testimony of Dr. Aron, so that it could prevent other parties from responding.

4. SWBT tries to shift attention from its ambush tactics by rearguing its own Motion to Strike (improperly seeking a third bite at that apple)<sup>1</sup> on the unfounded theory that these motions are somehow connected,<sup>2</sup> as well as by unjustifiably criticizing all the other parties for not filing direct testimony when only SWBT has a burden of proof and an obligation to make a direct case.

5. SWBT's strategy is patently clear and its purported "offense", at WCOM's opposition to that strategy, is feigned. On the merits, the Commission should sustain WCOM's Motion to Strike and thereby preclude SWBT from gaining an unfair advantage in this case by submitting indisputably direct evidence as surrebuttal.

WHEREFORE, WCOM requests that the Commission grant their Motion to Strike.

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<sup>1</sup> WCOM disputes the content of SWBT's Reply regarding its own Motion to Strike, including but not limited to assertions that objections that have been rejected by the Commission were nonetheless somehow not dilatory, and that counsel for WCOM agreed to any extension of time for SWBT's late discovery responses.

<sup>2</sup> Notably, SWBT criticizes WCOM for submitting surrebuttal that, according to SWBT, merely reiterates rebuttal, yet it defends its own tactic of submitting new material on surrebuttal that it could have, and should have, submitted as direct.

Respectfully submitted,



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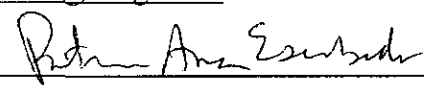
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**Certificate of Service**

A true and correct copy of the foregoing document was mailed this 16th day of September, 2002, by placing same in the U.S. Mail postage paid to the persons listed on the attached list.



A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the initials 'JMS'.

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