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FILED³

JUN 11 2001

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
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**Missouri Public
Service Commission**

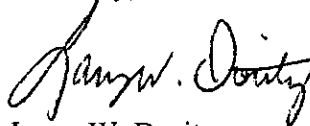
RE: *Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance, Case No. TA-99-47, Tariff File 200100925*

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and eight (8) copies of the Response of Southwestern Bell Long Distance In Opposition To AT&T's Motion To Consolidate and Establish Procedural Schedule, filed on behalf of Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance. A copy of the foregoing Response has been hand-delivered or mailed this date to all parties of record.

Thank you for your attention to this matter.

Sincerely,



Larry W. DORITY

/jr

Enclosures

cc: Office of the Public Counsel
Counsel of Record

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

FILED³
JUN 11 2001

In the Matter of the Application of)
Southwestern Bell Communications Services,)
Inc., d/b/a Southwestern Bell Long Distance)
for a Certificate of Service Authority to Provide)
Interexchange Telecommunications Services)
Within the State of Missouri.)

Case No. TA-99-47
Tariff File 200100925

Missouri Public
Service Commission

**RESPONSE OF SOUTHWESTERN BELL LONG DISTANCE
IN OPPOSITION TO
AT&T'S MOTION TO CONSOLIDATE
AND ESTABLISH PROCEDURAL SCHEDULE**

COMES NOW Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance ("Southwestern Bell Long Distance"), by and through its attorneys, and pursuant to 4 CSR 240-2.080(16), files its Response in Opposition ("Response") to the Motion to Consolidate and Establish Procedural Schedule ("Motion") submitted in this matter on June 1, 2001, by AT&T Communications of the Southwest, Inc. ("AT&T"). For its Response, Southwestern Bell Long Distance respectfully states as follows:

1. In its zeal to utilize the regulatory process to continue to seek delay of Southwestern Bell Long Distance's entry into the long distance market in Missouri, it is indeed ironic that AT&T would begin its latest procedural motion highlighting the fact that this proceeding was instituted on August 4, 1998, almost three (3) years ago. And while Southwestern Bell Long Distance does not wish to further burden the file in this matter, it must respond to the baseless allegations and outrageous innuendo contained in AT&T's Motion.

2. In previous pleadings filed by the Commission's Staff and Southwestern Bell Long Distance reflecting the procedural history of this matter,¹ it has been clearly established that the subject application of Southwestern Bell Communications Services, Inc., originally filed under the d/b/a "Southwestern Bell Long Distance" on August 4, 1998, is a companion case to a similar application which Southwestern Bell Communications Services, Inc. filed under the d/b/a "SBC Long Distance" on March 7, 2001 (Case No. TA-2001-475). In fact, a First Amended Application was filed in this case on March 7, 2001, the same filing date as the SBC Long Distance application. In its Motion, AT&T acknowledges that "[t]he only discernable difference between the two applications and proposed tariffs were [sic] the fictitious name Southwestern Bell Communications Services, Inc. was proposing to operate under. The corporate entity, rates, terms and conditions appear to be identical." (Motion, p. 2.)

3. However, in what can only be described as a thinly veiled, last-minute attempt to undermine the credibility of Southwestern Bell Long Distance, AT&T interjects the following outrageous innuendo in its Footnote 1 to the above-quoted language in its Motion:

SBC has not provided any rationale for filing two separate applications. To the extent that the second filing may circumvent Case No. TA-99-47, in which parties have been granted intervention, AT&T has serious concerns. If the second filing was made in the hope that the Commission would not grant intervention a second time, AT&T would suggest that it would not be appropriate to even process the filing.

As clearly set forth in its Response to Staff Filing, previously submitted on May 21, 2001 and served upon AT&T, Southwestern Bell Communications Services, Inc. specifically stated its "rationale"

¹See Staff Filing In Response To Commission Order filed on May 10, 2001; and Response of Southwestern Bell Long Distance To Staff Filing ("Response to Staff Filing") submitted on May 21, 2001.

for filing two separate applications: "The SBC Long Distance application was filed in conformance with the Commission's customs and procedures of requiring separate filings for each d/b/a of an applicant telecommunications company." (Response to Staff Filing, p. 2.) Simply put, had Southwestern Bell Communications Services, Inc. not followed the Commission's procedures in this regard, one can be assured that a complaint of non-conformance would have been lodged by AT&T.

4. In its Response to Staff Filing, Southwestern Bell Long Distance noted that prior to the Commission's entering its Order Granting Motion To Stay in this proceeding on January 12, 1999, several of the parties had objected to the Commission's conditional approval of the application, prior to the Commission's opportunity to address the public interest considerations in the context of the Section 271 docket, Case No. TO-99-227 ("SWBT 271 Proceeding"). As stated in Footnote 3, Page 2 of the Response to Staff Filing, the Order Granting Motion To Stay was issued primarily in response to a motion of the Public Counsel, which alleged: "There is no need for Public Counsel, Staff and the other parties to divide their efforts and to stress their resources litigating this application and SWBT's Section 271 application in Case No. TO-99-227 at the same time." Southwestern Bell Long Distance opposed OPC's motion, fearful that OPC's approach would build into the schedule an unnecessary delay to deal with largely ministerial actions of the Commission and, more importantly, that the approach could result in the ability of Southwestern Bell Long Distance competitors to attempt to re-litigate issues previously heard in the Section 271 docket. While OPC had sought a stay pending final action of the Federal Communications Commission ("FCC") on the Missouri Section 271 Application, the Commission only partially granted the relief requested, granting a stay until the issuance of the Commission's recommendation to the FCC or until otherwise ordered. The Commission determined "that the stay of this proceeding pending the Commission's recommendation at the conclusion of Case No. TO-99-227 will not unduly prejudice

any party to this action. Therefore, the Commission determines that OPC's motion for stay should be partially granted." (Order Granting Motion To Stay, p. 3.)

5. Accordingly, it would certainly appear that the Commission, after having addressed the public interest determinations in the lengthy SWBT 271 Proceeding, wanted to provide a time frame for addressing the largely ministerial actions typical in the IXC approval process prior to the FCC's final action. Southwestern Bell Long Distance has requested that the Commission exercise its authority to grant the relief requested as soon as possible, so that Southwestern Bell Long Distance will be in a position to further the public interest and provide interexchange service in Missouri once the FCC issues its decision.² Prompt approval is particularly appropriate in this case where now, twenty-eight (28) months after the Order Granting Motion To Stay was issued in the interexchange certificate docket, the Commission has issued its Recommendation to the FCC in support of Southwestern Bell Telephone Company's application for authority to provide in-region interLATA telecommunications service within Missouri, and the SWBT 271 Proceeding has been closed. Clearly, (1) by its own terms the Stay has been lifted; (2) the Commission can take official notice of its "Order Regarding Recommendation On 271 Application Pursuant To The Telecommunications Act Of 1996 And Approving The Missouri Interconnection Agreement (M2A)"


²Southwestern Bell Communications Services, Inc., a wholly-owned subsidiary of SBC Communications, Inc. and a Section 272 affiliate of Southwestern Bell Telephone Company, is not yet authorized to provide in-region interLATA services by the FCC pursuant to Section 271 of the 1996 Federal Telecommunications Act ("Act"). Accordingly, Southwestern Bell Communications Services, Inc. has requested that both Certificates of Service Authority to provide *Interexchange Telecommunications within the state of Missouri* be granted expeditiously, conditioned on federal authority to provide in-region interLATA services. Similar conditional approvals were granted in the states of Texas, Oklahoma and Kansas. SBC Communications Inc.'s recent decision to re-file the company's Missouri 271 application at the FCC does not, and should not, affect this Commission's consideration to expeditiously grant the relief requested herein.

wherein it specifically found, after extensive hearings and comments and issuing detailed findings of fact and conclusions of law, that Southwestern Bell Telephone Company's entry into the long distance market in Missouri is in the public interest; and (3) the Commission can continue to process this application in an expeditious matter that will bring the previously determined public interest benefits to the *Missouri telecommunications marketplace*.

6. Finally, AT&T appears to question the propriety of Southwestern Bell Long Distance filing its proposed tariff with an "effective date" not fewer than forty-five (45) days after the tariff's issue date (in conformance with Commission Rule 4 CSR 240-2.060(6)(C)), as an act of collusion with the Commission's Staff to thwart AT&T's desire to conduct an examination "for an indefinite period." AT&T's strained analysis (decrying a purported de facto creation of an eleven (11) month deadline) only serves to underscore its intentions and resolve to continue to seek the "indefinite" delay of Southwestern Bell Long Distance's entry into the long distance market in Missouri.

WHEREFORE, Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance respectfully prays that the Commission accept this Response in Opposition to AT&T's Motion to Consolidate and Establish Procedural Schedule , that said Motion be denied for the above-stated reasons, and that the relief requested in the First Amended Application of Southwestern Bell Long Distance, including approval of its tariff, be granted as expeditiously as possible.

Respectfully submitted,


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Attorneys for Southwestern Bell Communications
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Response has been hand-delivered or mailed, First Class mail, postage prepaid, this 11th day of June, 2001, to:

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