

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 9, 1998**

CASE NO: TA-99-47

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Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

Southwestern Bell Communications Serv.
d/b/a Southwestern Bell Long Distance
5850 West Las Positas Boulevard
Pleasanton, CA 94588

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 9th
day of September, 1998.

In the Matter of the Application of Southwestern)
Bell Communications Services, Inc., d/b/a South-)
western Bell Long Distance, for a Certificate of) Case No. TA-99-47
Service Authority to Provide Interexchange Tele-)
communications Services Within the State of)
Missouri.)

**ORDER GRANTING INTERVENTIONS
AND SETTING EARLY PREHEARING CONFERENCE**

Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance (SBLD) filed an application on August 4, 1998 asking the Commission to grant it a certificate of service authority to provide interexchange telecommunications services. SBLD is incorporated under Delaware and Virginia law and has principal offices at 5850 West Las Positas Boulevard, Pleasanton, California 94588. SBLD asked the Commission to waive the requirement to file a tariff with a 45-day effective date found in 4 CSR 240-2.060(4)(H). SBLD did include an illustrative tariff with its application and requested competitive status and the waiver of certain Commission rules and statutory provisions.

SBLD is a wholly owned subsidiary of SBC Communications Inc., which also owns Southwestern Bell Telephone Company (SWBT). SWBT provides basic local exchange services in Missouri. SBLD proposes to offer interexchange services in Missouri to commercial, residential, governmental, and not-for-profit customers. SBLD stated that it will not provide interexchange services in Missouri until it is either authorized

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to provide in-region interLATA services by the Federal Communications Commission (FCC), or until it is otherwise permitted to do so by federal law.

The Commission issued a Notice and Schedule of Applicants on August 11, 1998, directing interested parties wishing to intervene to file an application to do so no later than August 26.

The Mid-Missouri Group of Local Exchange Companies¹ (MMG) filed an Application to Intervene on August 20 stating that, as local exchange company providers and potential toll providers under an Originating Responsibility Plan, MMG's members have an interest in this case different from that of the general public. MMG stated that its members are specifically interested in the terms and conditions under which SBLD enters into the competitive intralATA toll market, as well as issues relating to carrier access equality and parity.

Sprint Communications Company L.P. (Sprint) filed an Application for Intervention on August 21 stating that its interests in this proceeding as a telecommunications provider are different from those of the general public. Sprint also stated that its intervention would be in the public interest because of Sprint's expertise and experience as a telecommunications provider. Sprint alleged that the award of a long distance certificate to SBLD would be contrary to the public interest.

MCI Telecommunications Corporation (MCI) filed an Application to Intervene on August 21 stating that the Commission's decision in this

¹ Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, MoKan Dial, Inc., Modern Telecommunications Company, Northeast Missouri Rural Telephone Company, and Peace Valley Telephone Company.

case may affect MCI's interests as a purchaser of access services and as a provider of intrastate long distance services. MCI opposes the application because SWBT has not yet been authorized to provide in-region interLATA services by the FCC pursuant to Section 271 of the Telecommunications Act of 1996 (the Act). MCI stated that its intervention would be in the public interest because of its interest in enhancing competition and its expertise in the telecommunications industry.

McLeodUSA Telecommunications Services, Inc. (McLeod) filed an Application to Intervene on August 26 stating that its interest as a competitive provider of telecommunications service is different from that of the general public. McLeod also stated that its intervention would be in the public interest because of its expertise in the telecommunications industry.

AT&T Communications of the Southwest, Inc. (AT&T) filed an Application to Intervene on August 26 stating that its intervention would be in the public interest because of its interest in enhancing competition and expertise in the telecommunications industry. AT&T's position is that any grant of authority to SBLD should be conditioned upon compliance with Section 271 of the Act as well as Missouri-specific subsidiary/affiliate transaction requirements.

Digital Teleport, Inc. (DTI) filed an Application to Intervene on August 26 stating that, as a provider of competitive telecommunications services, DTI will be affected by the Commission's decision and has a direct interest different from the interests of the general public. DTI stated that any action in this case is premature because SWBT has not yet filed a Section 271 application with this Commission.

COMPTEL-MO² (COMPTEL) filed an Application to Intervene on August 26 stating that the Commission's decision will directly affect COMPTEL's members as competitive providers of intrastate interexchange telecommunications services. COMPTEL also stated that its intervention would be in the public interest because of its interest in enhancing competition and experience in the telecommunications industry. COMPTEL opposes SBLD's application for a number of reasons related to Section 271 of the Act. COMPTEL noted that SBLD has requested a "conditional certificate" but that, should this application be granted without active inquiry, the Commission may have lost its only opportunity to fully examine whether granting a certificate to this SBC affiliate would serve the public interest.

Fidelity Telephone Company (Fidelity) filed an Application to Participate Without Intervention on August 26. Fidelity wishes to monitor the proceeding because it may have an effect on its status as a local exchange company provider and its responsibilities under the proposed Originating Responsibility Plan.

The Small Telephone Company Group³ (STCG) filed an Application to Participate Without Intervention on August 26. STCG wishes to monitor

² The members of COMPTEL-MO are: CGI, McLeodUSA, LDD, Inc., WorldCom, Inc., and Valu-line of St. Joseph, Inc.

³ BPS Telephone Company, Cass County Telephone Company, Citizens Telephone Company of Higginsville, Missouri, Inc., Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Goodman Telephone Company, Grand River Mutual Telephone Corporation, Green Hills Telephone Corporation, Holway Telephone Company, Iamo Telephone Company, KLM Telephone Company, Kingdom Telephone Company, Lathrop Telephone Company, Le-Ru Telephone Company, Mark Twain Rural Telephone Company, McDonald County Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Oregon Farmers Mutual Telephone Company, Ozark Telephone Company, Rock Port Telephone Company, Seneca Telephone Company, and Steelville Telephone Exchange, Inc.

the proceeding because it may have an effect on its status as a local exchange company provider and its responsibilities under the proposed Originating Responsibility Plan.

SBLD filed a Response to the applications to intervene or participate on September 1 stating that it does not oppose the applications, but insisting that the purpose of this proceeding is not to resolve issues related to SWBT's compliance with the federal Telecommunications Act of 1996.

The Commission has reviewed the applications to intervene and participate and SBLD's response. The Commission finds that all the applications are in substantial compliance with the Commission's rules regarding intervention and participation, and that each applicant has an interest in this proceeding different from that of the general public. Therefore, the applications to intervene or participate will be granted. The Commission will conduct an early prehearing conference and direct the parties to file a proposed procedural schedule.

IT IS THEREFORE ORDERED:

1. That the following parties are granted permission to intervene:

Mid-Missouri Group
Sprint Communications Company L.P.
MCI Telecommunications Corporation
McLeodUSA Telecommunications Services, Inc.
AT&T Communications of the Southwest, Inc.
COMPTel-Mo
Digital Teleport, Inc.

2. That the following parties are granted participation without intervention:

Fidelity Telephone Company
Small Telephone Company Group

3. That the Commission shall conduct an early prehearing conference on September 30, 1998 at 10:00 a.m. in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

4. That anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the prehearing conference at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

5. That the parties shall submit a proposed procedural schedule no later than October 9, 1998.

6. That this Order shall become effective on September 22, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer and
Schemenauer, CC., concur.
Crumpton and Murray, CC.,
absent.

Wickliffe, Deputy Chief Regulatory Law Judge

AL/Sec'y: Wildridge / Pope
Date Circulated 9-4 TA-99-47
CASE NO.
Lumpe, Chair [Signature]
Crumpton, Commissioner [Signature]
Murray, Commissioner about
Schemenauer, Commissioner DS
Drainer, Vice-Chair [Signature]
Agenda Date 9-10-99
Action taken: 3-015
Must Vote Not Later Than _____

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 9th day of September, 1998.

[Signature: Dale Hardy Roberts]

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge