

Anthony K. Conroy
Senior Counsel

Southwestern Bell Telephone
One Bell Center, Room 3510
St. Louis, Missouri 63101
Phone 314 235-6060
Fax 314 331-2193



February 17, 1999

FILED

FEB 17 1999

Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

Re: Case No. T0-99-227

Dear Judge Roberts:

Enclosed, for filing in the above-captioned case, are an original and fourteen copies of Response of Southwestern Bell Telephone Company to AT&T's Motion to Require Briefing and Allow for Supplemental Testimony.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

A handwritten signature in cursive script that reads "Anthony K. Conroy" followed by a stylized "AKC" monogram.

Anthony K. Conroy

Enclosure

cc: All Attorneys of Record

FILED

FEB 17 1999

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Application of Southwestern Bell Telephone)
Company to Provide Notice of Intent to File)
an Application for Authorization to Provide)
In-Region InterLATA Services Originating)
in Missouri Pursuant to Section 271 of the)
Telecommunications Act of 1996)

Case No. TO-99-227

**RESPONSE OF SOUTHWESTERN BELL TELEPHONE COMPANY TO
AT&T'S MOTION TO REQUIRE BRIEFING AND ALLOW FOR
SUPPLEMENTAL TESTIMONY**

COMES NOW Southwestern Bell Telephone Company (SWBT) and for its
Response to AT&T Communications of the Southwest, Inc.'s, TCG St. Louis, Inc.'s and
TCG Kansas City, Inc.'s (collectively AT&T's) Motion to Require Briefing and Allow for
Supplemental Testimony concerning the United States Supreme Court's decision in
AT&T Corp. v. Iowa Utilities Board, states as follows:

1. AT&T's latest filing appears to be designed to further delay the procedural
schedule established by the Commission in this case. As the Commission is aware,
AT&T has refused to provide basic local exchange telephone service to business and
residential customers in Missouri. By seeking to delay this proceeding further, AT&T
seeks to prevent the benefit of further interLATA competition for Missouri consumers.
AT&T's position is self-serving, procedurally deficient and substantively without merit.

2. AT&T notes that the Supreme Court issued its decision in AT&T Corp. v. Iowa Utilities Board, 67 U.S.L.W. 4104, ____ U.S. ____ (Nos. 97-826 et al.) on January 25, 1999. That same day, AT&T filed a letter with the Commission advising that it believed the Supreme Court's decision would "impact significantly" the substantive issues presented in this case. In its letter, AT&T stated that it would "present promptly, by separate motion, a formal request for such actions as may be appropriate to apply [the] Supreme Court ruling to SWBT's pending application." AT&T, however, did not "promptly present" any such motion. Instead, AT&T waited two more weeks before advising the Commission that further delay is necessary! Coming on the eve of the hearing established by the Commission in this case, the request is wholly inappropriate.

3. Even now, two weeks later, AT&T's motion contains no analysis of AT&T's interpretation of the Supreme Court's decision, or any change of position which AT&T would make in its prefiled rebuttal testimony. Nor has AT&T advised the Commission or the parties to this proceeding whether its rebuttal testimony sufficiently addressed the issue from AT&T's perspective. Instead, AT&T's filing seeks to impose an unnecessary burden on SWBT and all other parties to this case to make additional filings followed by unspecified supplemental rounds of testimony. According to AT&T, scheduling of the hearing in the case should be held in abeyance until SWBT makes a filing to AT&T's satisfaction.

4. On February 10, 1999, the Commission issued its Order Granting Interventions, Granting Participation, Requesting Briefing of Legal Issues, Notice of Ex Parte Contacts, and Notice of Time to Respond in this case. In this Order, the Commission, on its own motion, directed the parties to file legal memoranda on or before

February 17, 1999, indicating what effect, if any, the Supreme Court's decision in AT&T Corp. v. Iowa Utilities Board should have on the procedural schedule previously established in this case. SWBT believes the Commission's measured response to the Supreme Court's decision is completely appropriate, and welcomes the opportunity to explain to the Commission why the decision should not further delay the procedural schedule in this case. Contemporaneous with the filing of this response to AT&T's motion, SWBT is filing its legal memorandum as directed by the Commission, addressing the effect of the Supreme Court's decision. SWBT incorporates its legal memorandum herein by this reference. In summary, however, SWBT believes that the framework for local competition is sufficiently in place for this Commission (and the FCC) to take the final steps toward full interLATA competition in Missouri. Together with this Commission's previous arbitration decisions and SWBT's voluntarily negotiated interconnection agreements which have been approved by this Commission, the holdings of AT&T Corp. v. Iowa Utilities Board provide a solid foundation for approval of SWBT's Section 271 application. Nothing in the Supreme Court's opinion requires or even suggests that this Commission should permit self-interested parties such as AT&T to delay this proceeding further.

5. This case was instituted by SWBT's filing of its application on November 20, 1998. The Commission has, consistent with its prior orders, endeavored to establish a procedural schedule which would permit it to complete the hearing process within 120 days. AT&T's motion would result in a new and unspecified hearing schedule, with substantial delays built in to accomplish AT&T's desires. This proposal is inappropriate, particularly given AT&T's continued failure to make any meaningful offering to business

and residential customers in Missouri. The delay which AT&T seeks would simply protect its continued profit from interLATA services, free from the substantial competition which SWBT would provide.

6. As demonstrated in SWBT's legal memorandum submitted in response to the Commission's February 10, 1999, Order, the Supreme Court's decision in AT&T Corp. v. Iowa Utilities Board primarily addresses four areas: (1) 47 C.F.R. 51.315(b), which precludes the disassembly of network elements currently combined in the network; (2) 47 C.F.R. 51.319, which lists the unbundled network elements which the FCC required incumbent local exchange companies (ILECs) to offer; (3) 47 C.F.R. 809, which addresses the right to "pick and choose" from another competitive local exchange company's (CLEC's) interconnection agreement; and (4) the jurisdiction of the FCC to impose certain TELRIC pricing rules. These issues are already addressed in existing contracts between SWBT and CLECs, including AT&T. As SWBT made clear in its direct testimony filed in this case, it will continue to comply with the terms of these contracts, subject to any modifications. These modifications may result from voluntary negotiations or from regulatory or judicial processes. Accordingly, SWBT has already addressed the issues which AT&T attempts to raise in order to accomplish its desire of delay.

WHEREFORE, for all of the foregoing reasons, SWBT requests the Commission to deny AT&T's Motion to Require Briefing and Allow for Supplemental Testimony.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Anthony K. Conroy tm
PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
KATHERINE C. SWALLER #34271
Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, Missouri 63101
(314)235-4300 (Telephone)
(314)247-0014 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the Service List by first-class postage prepaid, U.S. Mail on February 17, 1999.

Anthony K. Conroy tm
Anthony K. Conroy

MARTHA HOGERTY
OFFICE OF THE PUBLIC COUNSEL
301 WEST HIGH STREET, SUITE 250
JEFFERSON CITY, MO 65101

PENNY G. BAKER
DAVID J. STUEVEN
MISSOURI PUBLIC SERVICE COMMISSION
301 WEST HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65101

PAUL S. DEFORD
LATHROP & GAGE
2345 GRAND BLVD, SUITE 2500
KANSAS CITY, MO 64108

TRACY D. PAGLIARA
GTE SERVICE CORPORATION
601 MONROE STREET, SUITE 304
JEFFERSON CITY, MO 65101-3202

EDWARD J. CADIEUX
ONE BROOKS CENTER PARKWAY
4TH FLOOR
TOWN & COUNTRY, MO 63017

CRAIG S. JOHNSON
ANDERECK, EVANS, MILNE,
PEACE & BAUMHOER
305 EAST MCCARTY
P.O. BOX 1438
JEFFERSON CITY, MO 65102

W. R. ENGLAND, III
BRYDON, SWEARENGEN & ENGLAND
312 EAST CAPITOL
P.O. BOX 456
JEFFERSON CITY, MO 65101

LINDA K. GARDNER
UNITED TELEPHONE COMPANY OF
MISSOURI
5454 W 110TH STREET
OVERLAND PARK, KS 66211

CARL J. LUMLEY
LELAND B. CURTIS
CURTIS, OETTING, HEINZ, GARRETT
& SOULE, P.C.
130 S. BEMISTON, SUITE 200
CLAYTON, MISSOURI 63105

PAUL H. GARDNER
GOLLER, GARDNER & FEATHER
131 E. HIGH STREET
JEFFERSON CITY, MO 65101

KENNETH A. SCHIFMAN
JULIE GRIMALDI
SPRINT COMMUNICATIONS COMPANY
8140 WARD PARKWAY
KANSAS CITY, MO 64114

MR. JAMES M. FISCHER
101 W. MCCARTY, SUITE 215
JEFFERSON CITY, MO 65101

MARK W. COMLEY
NEWMAN, COMLEY & RUTH P.C.
601 MONROE, SUITE 301
P.O. BOX 537
JEFFERSON CITY, MO 65102

MARY ANN YOUNG
WILLIAM D. STEINMEIER
P.O. BOX 10459
JEFFERSON CITY, MO 65102

THOMAS C. PELTO
AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC.
919 CONGRESS AVE., SUITE 1500
AUSTIN, TX 78701-2444

DOUGLAS W. TRABARIS
ELIZABETH HOWLAND
TELEPORT COMMUNICAITONS GROUP
233 S. WACKER DR, SUITE 2100
CHICAGO, IL 60606

ANDREW O. ISAR
TELECOMMUNICATIONS RELLERS
ASSOCIATION
4312 92ND AVE., N.W.
P.O. BOX 2461
GIG HARBOR, WA 98335

CHARLES W. MCKEE
SPRINT PSC
4900 MAIN, 12TH FLOOR
KANSAS CITY, MO 64112

DIAL US
333 PARK CENTRAL E
SUITE 926
SPRINGFIELD, MO 65806

DIGITAL TELEPORT, INC.
11111 DORSETT ROAD
ST. LOUIS, MO 63043

DOBSON WIRELESS, INC.
13439 N. BROADWAY EXT., SUITE 200
OKLAHOMA CITY, OK 73114

EXCEL TELECOMMUNICATIONS
SYSTEMS, INC.
8750 N. CENTRAL EXPRESSWAY
BOX #6
DALLAS, TX 75231

EXOP OF MISSOURI, INC.
402 A E. BANNISTER RD
KANSAS CITY, MO 64131

EZ TALK COMMUNICAITONS LLC
4727 SOUTH MAIN
STAFFORD, TX 77477

FAST CONNECTIONS, INC.
PO BOX 130418
DALLAS, TX 75313

FRONTIER TELEMAGEMENT INC.
180 S CLINTON
ROCHESTER, NY 14646

GE EXCHANGE
6540 POWER FERRY ROAD
ATLANTA, GA 30339

GROUP LONG DISTANCE, INC.
6455 E JOHNS CROSSING, SUITE 285
DULUTH, GA 30097

ROBERT MOLteni
JEREMIAH W. NIXON
ATTORNEY GENERAL OF MISSOURI
P.O. BOX 899
JEFFERSON CITY, MO 65102

ICG TELECOM GROUP, INC.
161 INVERNESS DRIVE WEST
ENGLEWOOD, CO 80112

INTERMEDIA COMMUNICAITONS INC
3625 QUEEN PALM DR
TAMPA, FL 33619

LCI INTERNATIONAL TELECOM CORP
D/B/A/ QWST COMMUNICATIONS SERVICES
4250 N FAIRFAX DR, SUITE 12W055
ARLINGTON, VA 22203

LDD, INC.
24 SOUTH MINNESOTA
APE GIRARDEAU, MO 63701

LDM SYSTEMS, INC
254 S MAIN ST
NEW, NY 10956

LOCAL FONE SERVICE, INC.
624 SIX FLAGS DRIVE, SUITE 214
ARLINGTON, TX 76011

LOCAL LINE AMERICA, INC.
2680 STATE RD
CUYAHOGA FALLS, OH 44223

MARK TWAIN COMMUNICAITONS CO
PO BOX 128
HURDLAND, MO 63547

MAXCOM, INC
10647 WIDMER RD
LENEXA, KA 66215

AMERICAN COMMUNICAITONS SERVICES
OF KANSAS CITY INC.
131 NATIONAL BUSINESS PARKWAY
SUITE 100
ANNAPOLIC JUNCITON, MD 20702

MAX-TEL COMMUNICAITONS INC
102 W. FRANKLIN
ALVORD, TX 76225

BTI
4300 SIX FORKS RD.,S UITE 400
RALEIGH, NC 27609

MCLEODUSA TELECOMMUNICATIONS
SERVICES
6400 C STREET SW
CEDAR RAPIDS, IA 52406

MEGSINET-CLE, INC
225 W OHIO, SUITE 200
CHICAGO, IL 60610

MFS INTELENET OF MISSOURI, INC.
1705 S. CAPITAL OF TEXAS HIGHWAY
J SUITE 100
AUSTIN, TX 78746

MICOMM SERVICES, INC.
4001 MCEWEN DR, SUITE 200
DALLAS, TX 75244

MICROWAVE SERVICES, INC.
3 BALA PALZA EAST, SUITE 502
BALA CYNWYD, PA 19004

MIDWESTERN TEL
3809 CASTELMAN AVE, SUITE 100
ST. LOUIS, MO 63110

MILLER TELEPHONE CO
209 E MAIN
MILLER, MO 65707

MISSOURI COMM SOUTH, INC
101 RANDOL MILL, SUITE 108
ARLINGTON, TX 76011

NAVIGATOR TELECOMMUNICATIONS, LLC
212 CENTER ST., SUITE 1100
LITTLE ROCK, AR 72201

NOW COMMUNICATIONS, INC
713 COUNTRY PLACE DRIVE
JACKSON, MS 39208-6619

PREFERRED CARRIER SERVICES, INC.
500 GRAPEVINE HWY, SUITE 300
HURST, TX 76054

QCC, INC
8829 BOND STREET
OVERLAND PARK, KS 66214

OMNIPLEX COMMUNICAITONS
743 SPRINT 40 PARK, SUITE 250
CHESTERFIELD, MO 63005

QUINTELCO, INC
1 BLUE HILL PLAZA
PEARL RIVER, NY 10965

RECONNEX
9620 S.W. BARUR BLVD, SUITE 330
PORTLAND, OR 97219

REN-TEL COMMUNICATIONS, INC.
85 PINE HAVEN DR
CARROLLTON, GA 30116

SURETEL, INC.
5 NORTH MCCORMICK
OKLAHOMA CITY, OK 73127

TCG ST. LOUIS
233 S WACKER DR, SUITE 2100
CHICAGO, IL 60606

TEL-LINK, LLC
1001 THIRD AVENUE WEST, USITE 354
BRANDENTON, FL 34205

TEL-SAVE, INCORPORATED OF
PENNSYLVANIA
6805 ROUTE 202
NEW HOPE, PA 18938

TELIGENT, INC.
8065 LEESBURG PIKE
SUITE 400
VIENNA, VA 22182

THE CUBE
1063 WIRT ROAD
SUITE 202
HOUSTON, TX 77005

TANSAMERICAN TELEPHONE
209 E UNIVERSITY
DANTON, TX 76201

U.S. TELCO, INC.
1600 PACIFIC AVENUE #2700
DALLAS, TX 75201-3565

USLD COMMUNICAITONS, INC.
4250 NORTH FAIRFAX DR., 12W002
ARLINGTON, VA 22203

USN COMMUNICATIONS SOUTHWEST, INC.
10 S. RIVERSIDE PLAZA
SUITE 401
CHICAGO, IL 60606

WINSTAR WIRELESS OF MISSOURI, INC.
7799 LEESBURG PIKE
SUITE 401 S
TYSONS CORNER, VA 22043

WORLDCOM TECHNOLOGIES
1705 S CAPITAL OF HEXAS HWY
SUITE 100
AUSTIN, TX 78746

Z-TEL COMMUNICAITONS, INC.
777 S. HARBOUR ISLAND BLVD
SUITE 990
TAMPA, FL 33602

COMCAST TELECOMMUNICATIONS, INC.
D/B/A/ COMCAST LONG DISTANCE
211 SOUTH GULPH RD
KING OF PRUSSIA, PA 19406

MISSOURI CSI CORP
12835 E ARAPAHOE ROAD
5TH FLOOR
ENGLEWOOD, CO 80112

TDS ENGINEER, LLC
229 E FOURTH ST
PO BOX 297
CARTHAGE, MO 64836

ACI CORP
7337 S REVERE PARKWAY
ENGLEWOOD, CO 80112

KARL ZOBRIST
BLACKWELL SANDERS PEPER MARTIN
TWO PERSHING SQUARE
2300 MAIN STREET
KANSAS CITY, MO 64108

BARTEL COMMUNICATIONS, INC.
14 CLIF-SIDE
GLENDALE, MO 63122

CAMARATO DISTRIBUTING, INC
900 CAMARATO DR
HERRIN, IL 62948

CHOCTAW COMMUNICAITONS, LC
D/B/A/ SMOKE SIGNAL COMMUNICAITONS
8400 S GESSNER
HOUSTON, TX 77074

DIAL & SAVE OF MISSOURI, INC
8750 N CENTRAL EXPRESSWAY
SUITE 1500
DALLAS, TX 75231

GABRIEL COMMUNICATIONS OF
MISSOURI, INC
16650 CHESTERFIELD GROVE RD
SUITE 110
CHESTERFIELD, MO 63005

ANDY DALTON
CITY UTILITIES OF SPRINGFIELD
P.O. BOX 551
SPRINGFIELD, MO 65801-0551

JATO COMMUNICAITONS CORP
5660 GREENWOOD PLAZA BLVD
SUITE 220
ENGLEWOOD, CO 80111

LEVEL 3 COMMUNICAITONS, LLC
1450 INFINITE DRIVE
LOUISVILLE, CO 80027

NEX-TEL CORPORATION
3050 K STREET, N.W., SUITE 250
WASHINGTON, DC 20007

THE PAGER COMPANY
5321 E 9TH ST
KANSAS CITY, MO 64124

SIMPLY LOCAL SERVICES, INC.
11406 GRAVOIS ROAD, SUITE 100
ST. LOUIS, MO 63126

SUPRA TELECOMMUNICAITONS &
INFORMATION SYSTEMS, INC.
2620 S.W. 27TH AVE
MIAMI, FL 33133

TRANSWIRE MISSOURI OPERATIONS,
LLC
8 W 19TH STREET
NEW YORK, NY 10011

UNITED STATES TELECOMMUNICAITONS INC.
D/B/A/ TEL COM PLUS
13902 N. DALE MABRY
SUITE 212
TAMPA, FL 33618

UNIVERSAL TELEPHONE
2611 E. HARRY
WICHITA, KS 67211

AMERITECH COMMUNICATIONS
INTERNATIONAL
9525 W RYN MAWR
SUITE 600
ROSEMONT, IL 60018

AT&T COMMUNICAITONS OF THE
SOUTHWEST, INC
101 W MCCARTY
SUITE 216
JEFFERSON CITY, MO 65101

ATLAS COMMUNICAITONS, LTD
482 NORRISTOWN RD
SUITE 200
BLUE Bell, PA 19422

BELLSOUTH BSE, INC
2727 PACES FERRY RD
ATLANTA, GA 30339

BIRCH TELCOM OF MISSOURI, INC.
1004 BALTIMORE AVE
SUITE 900
KANSAS CITY, MO 64105

MICHAEL FERRY
GATEWAY LEGAL SERVICES, INC.
4232 FOREST PARK AVENUE, SUITE 1800
ST. LOUIS, MO 63108

CHRIS LONG
ASSOCIATED INDUSTRIES OF MISSOURI
411 JEFFERSON STREET, PO BOX 1709
JEFFERSON CITY, MO 65101

GARY L. MANN
ADVANCED COMMUNICATIONS GROUP, INC.
390 SOUTH WOODS MILL ROAD, SUITE 150
CHESTERFIELD, MO 63017

DIANE MILLER
SHOW ME COMPETITION
112 E HIGH STREET
JEFFERSON CITY, MO 65101

RICHARD S. BROWNLEE, III
HENDREN AND ANDRAE, L.L.C.
221 BOLIVARD STREET
PO BOX 1069
JEFFERSON CITY, MO 65102

CHARLES BRENT STEWART
STEWART & KEEVIL, LLC
1001 CHERRY STREET, SUITE 302
COLUMBIA, MO 65201