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May 10, 2000

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65101

Re: Case No. TO-2000-667

FILED²
MAY 10 2000
Missouri Public
Service Commission

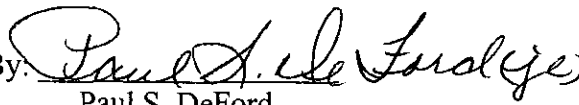
Dear Judge Roberts:

Attached for filing with the Commission is the original and nine (9) copies of AT&T Communications of the Southwest, Inc.'s Application to Intervene and Entry of Appearance for Paul S. DeFord and Kevin K. Zarling in the above referenced matter.

I thank you in advance for your cooperation in bringing this to the attention of the Commission.

Very truly yours,

LATHROP & GAGE, L.C.

By: 
Paul S. DeFord

Attachment
cc: All Parties of Record

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

FILED²
MAY 10 2000
Missouri Public
Service Commission

In the Matter of the Investigation into the)
Effective Availability for Resale of Southwestern)
Bell Telephone Company's Local Plus Service)
by Interexchange Companies and Facilities-Based)
Competitive Local Exchange Companies)

Case No. TO-2000-667

COMES NOW AT&T Communications of the Southwest, Inc. ("AT&T") and for
its Application to Intervene respectfully states as follows:

1. AT&T is a competitive interexchange telecommunications company duly
incorporated and existing under and by virtue of the laws of the State of Delaware,
authorized to do business in the State of Missouri as a foreign corporation. AT&T's
principal Missouri offices are located at 1100 Walnut, Kansas City, Missouri 64106.
AT&T is an authorized provider of intrastate interexchange telecommunication services
in Missouri under authority granted and tariffs approved by the Commission, as well as
an authorized provider of interstate interexchange telecommunications services under a
certificate granted and tariffs approved by the Federal Communications Commission.
AT&T has been granted authority to provide local exchange service and basic local
exchange service in portions of Missouri.

2. All communications and pleadings in this docket should be directed to:

Paul S. DeFord
Lathrop & Gage, L.C.
2345 Grand Boulevard
Kansas City, MO 64108

Kevin Zarling
AT&T Communications
919 Congress, Ste. 900
Austin, TX 78701

3. On April 20, 2000 the Commission issued its Order Making Southwestern Bell Telephone Company a Party and Directing Notice in this docket. In that Order the Commission established an intervention date of 20 days from the issuance of the Order, which is May 10, 2000. Furthermore, that Order indicated that this docket was created as a result of the Commission's Report and Order in Case No. TT-2000-258.¹

4. Case No. TT-2000-258 involved the issue of the resale of a Southwestern Bell Telephone Company ("SWBT") promotion of its Local Plus service. AT&T was granted intervention in that proceeding based on allegations that Local Plus was not effectively available for resale by IXC's. AT&T presented prefiled testimony on the issue of the effective availability of Local Plus for resale, participated in the hearing on the merits, and briefed the case. In Case No. TT-2000-258 the Commission determined that only the appropriateness of SWBT's promotional tariff was at issue, and that the larger issue of whether the Local Plus service is effectively available for resale should be considered in a separate proceeding. Accordingly, this case was created.

5. Previously, when Local Plus was first approved by the Commission in Case No. TT-98-351, the Commission found and ordered that Local Plus must be made available for resale at a wholesale discount to CLECs and IXC's.² Furthermore, the Commission determined that imputation of access charges to the price for Local Plus would not be required if Local Plus were available for resale at a wholesale discount.³ This decision was reaffirmed by the Commission in its Order Denying Motions to

¹ *In the Matter of Southwestern Bell Telephone Company's Proposed Tariff to Introduce a Promotional Discount on Local Plus Monthly Rate for Multiline Business Subscribers*, Case No. TT-2000-258, Report and Order, pg. 13, April 6, 2000.

² *In the Matter of Southwestern Bell Telephone Company's Tariff Revisions Designed to Introduce a LATA-wide Extended Areas Service (EAS) Called Local Plus, and a One-Way COS Plan*, Case No. TT-98-351, Report and Order, pgs. 39 – 42, September 17, 1998.

³ *Ibid.* at pg. 39.

Suspend in SWBT's application for approval of its Local Plus tariff.⁴ Clearly the Commission has reaffirmed all of its previous decisions as a result of its decision in Case No. TT-200-258 to open this proceeding.

6. Local Plus is an intraLATA extended area calling service that provides flat-rate calling within a calling scope that would otherwise be subject to usage sensitive toll charges. Because Local Plus is a hybrid service that competes against intraLATA toll services offered by AT&T, the appropriate pricing of Local Plus is a serious competitive issue. Because AT&T must pay access charges to SWBT in order to provide intraLATA toll service, normally access charges would be a cost imputed to the rate which SWBT may charge for its Local Plus service. SWBT's ability to avoid imputation of access charges in its pricing of Local Plus gives SWBT a significant competitive advantage, which in AT&T's view is an anti-competitive advantage. The Commission has essentially determined that such advantage is not anti-competitive if Local Plus is available for resale to SWBT's competitors.

7. It is AT&T's contention that Local Plus is not effectively available for resale., therefore imputation of access charges should be imputed to the tariffed rate(s) for Local Plus. At a minimum, SWBT does not have Operational Support Systems ("OSS") that allow IXCs to resell Local Plus on a parity basis with SWBT and other CLECs. Specifically, SWBT's OSS is inadequate in terms of preordering, ordering, provisioning, and billing for IXC wholesale customers. As the record in Case No. TT-2000-258 demonstrates, AT&T can present significant evidence regarding the functionality of SWBT's OSS where the resale of Local Plus is concerned.

⁴ *In the Matter of Southwestern Bell Telephone Company's Tariff Proposing to Refile its Local Plus Service and Requesting Expedited Approval*, Case No. TT-99-191, Order Denying Motions to Suspend, pg. 6.

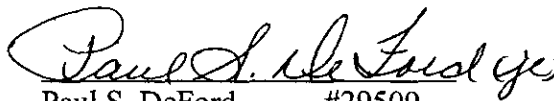
8. As a competitor of SWBT in the intraLATA toll market, which is a market in which the Local Plus service competes, AT&T's interest in this matter is clear, and is clearly different from that of the general public. Furthermore, the outcome of this case bears directly on the resale requirements of Local Plus to SWBT's competitors, and whether or not imputation of access charges will be required so that pricing of Local Plus will not be anti-competitive. Consequently, AT&T's interests as a competitor of SWBT's clearly may be adversely affected by the outcome of this proceeding. Because it is AT&T's contention that Local Plus is currently not effectively available for resale, AT&T will be adversely affected by the continued offering of Local Plus at rates that do not include an appropriate imputation of access charges.

9. Furthermore, because of AT&T's previous experience with attempting to order Local Plus for resale, AT&T has particular knowledge that will be useful to the Commission's inquiry in this case. Therefore, AT&T's intervention serves the public interest in developing a thorough and accurate record for the Commission's decision.

WHEREFORE, for all the foregoing reasons, AT&T respectfully requests that the Commission issue an order granting AT&T's Application to Intervene.

Respectfully submitted,

LATHROP & GAGE, L.C.



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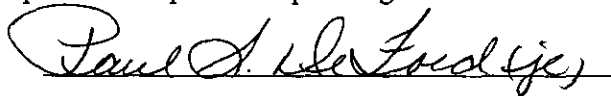
FAX: 512-370-2096

kzarling@lga.att.com

ATTORNEYS FOR AT&T
COMMUNICATIONS
OF THE SOUTHWEST, INC.

CERTIFICATE OF SERVICE BY MAIL

A true and correct copy of the foregoing in Docket TO-2000-667 was served upon the parties identified on the following service list on this 10th day of May, 2000 by either hand delivery or placing same in a postage paid envelope and depositing in the U.S. Mail.



Office of Public Counsel
PO Box 7800
Jefferson City, MO 65102

General Counsel
PO Box 360
Jefferson City, MO 65012

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One Bell Center, Room 3520
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Craig S. Johnson
Andereck, Evans, Milne, Peace & Baumhoer
PO Box 1438
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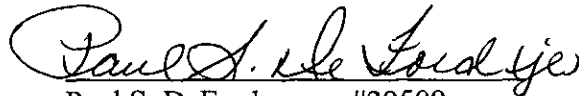
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Competitive Local Exchange Companies)	

ENTRY OF APPEARANCE

COMES NOW Paul S. DeFord pursuant to 4CSR 240-2.040 and enters his appearance on behalf of AT&T Communications of the Southwest, Inc. in the above-entitled proceeding. The undersigned, Paul S. DeFord is a member in good standing of the Bar of Missouri and is admitted to practice before the Trial and Appellate Courts in that jurisdiction. Neither the undersigned nor any member of the Lathrop & Gage law firm, having office within the State of Missouri, is disqualified to appear in any court.

Respectfully submitted,



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ATTORNEY FOR AT&T
COMMUNICATIONS OF THE
SOUTHWEST, INC.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

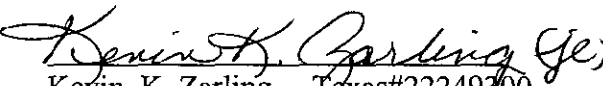
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ENTRY OF APPEARANCE

COMES NOW Kevin K. Zarling pursuant to 4CSR 240-2.040 and enters his appearance on behalf of AT&T Communications of the Southwest, Inc. in the above-entitled proceeding. The undersigned, Kevin K. Zarling, is a member in good standing of the Bar of Texas and is admitted to practice before the Trial and Appellate Courts in that jurisdiction. Neither the undersigned nor any member of the AT&T Austin Legal Department is disqualified to appear in any court.

Paul DeFord of Lathrop & Gage, L.C., a member of the Missouri Bar, having offices within the State of Missouri, is hereby designated associate counsel in this case.

Respectfully submitted,


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