

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

Allegiance Telecom of Missouri, Inc.'s)	
Revisions to its Access Services Tariff)	Tariff No. 200201087
P.S.C. Mo-No. 3 Adding Service Transfer)	
Charges.)	

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
MOTION TO REJECT, OR TO SUSPEND AND INVESTIGATE, TARIFF**

Southwestern Bell Telephone Company,¹ pursuant to Sections 392.200 and 392.230 RSMo 2000, respectfully requests the Commission to reject, or in the alternative, to suspend and investigate a proposed tariff filed by Allegiance Telecom of Missouri, Inc. ("Allegiance") that would impose charges on another telecommunications carrier when an Allegiance customer desires to change local service providers.

In support of its Motion, Southwestern Bell states:

1. Allegiance filed a proposed tariff on June 17, 2002 to add Service Transfer Charges to its Intrastate Access Tariff, Missouri PSC Tariff No. 3. In its proposed tariff, Allegiance seeks to impose these new charges on other carriers for processing a request to move a customer from Allegiance's local exchange service to another carrier's local exchange service. These charges are applied on a per order and per line basis for each Local Service Request ("LSR") received by the Company.² The proposed tariff carries a July 16, 2002 effective date. A copy of the proposed tariff is attached to this Motion as Attachment A.

¹ Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company, will be referred to in this pleading as "Southwestern Bell" or "SWBT."

² Allegiance proposes a per order charge of \$17.93 electronic or \$24.07 manual processing and a per line charge of \$17.71 for either electronic or manual processing. See, Allegiance proposed tariff, 1st Revised Page 65.

2. For the reasons stated below, SWBT believes the proposed Allegiance tariff (a) inappropriately attempts to impose charges on other telecommunications carriers, (b) violates the requirements of the Telecommunications Act of 1996 ("Act") which contemplate that local interconnection charges are to be negotiated and, if necessary, arbitrated and (c) violate the terms of the interconnection agreement between Southwestern Bell and Allegiance. Accordingly, the Commission should reject, or alternatively suspend and investigate, the proposed tariff.

3. Allegiance local exchange customers who seek to change to another local exchange provider may do so by advising Allegiance to cancel service or by permitting the new local exchange carrier to advise Allegiance on behalf of the customer. To the extent Allegiance incurs any costs associated with terminating service, these costs are incurred at the request of Allegiance's local exchange customer, not the new local exchange carrier. Allegiance can establish appropriate non-recurring charges for its local exchange customers, including recovering such costs in connection with establishing service as many incumbent local exchanges companies ("ILECs") do. But it is not appropriate for Allegiance to seek to impose charges on the customer's new local exchange provider as Allegiance is not performing a service for that carrier. Allegiance's proposal to recover customer transfer charges from other carriers is inappropriate because such carriers are not using Allegiance's network or its internal operating systems. Allegiance's proposed Service Transfer Charges are in no way analogous to wholesale service order charges ILECs receive from competitive local exchange companies ("CLECs"). CLECs purchasing resold service or unbundled network elements ("UNEs") from an ILEC pay the ILEC for the use of its operations support systems ("OSS") to process service orders (e.g., orders to establish or change service for the CLEC's customers). Any action Allegiance would be taking to terminate service to one of its customers would not be at another carrier's request or

on that carrier's behalf. Rather, Allegiance would be making changes to its internal systems to accommodate its own retail customer's desire to stop service. Allegiance should not be permitted to shift the costs associated with this function to another carrier.

4. Allegiance's attempt to impose tariff charges on other carriers for processing carrier change requests is also inconsistent with the Act. Whether one carrier should pay another carrier for switching customers between them is a term and condition of interconnection between those carriers. Under Section 252 of the Act, such terms are to be negotiated and/or arbitrated between carriers and incorporated into an interconnection agreement, which must be submitted to the State Commission for approval. Allegiance should not be permitted to use the tariff process to avoid its obligations under the Act.

5. Finally, Allegiance's proposal to institute and impose Service Transfer Charges would violate the terms of its interconnection agreement with Southwestern Bell, which was approved by the Commission on October 29, 1999.³ This agreement does not include any charges for transferring a customer to Southwestern Bell. Under Sections 18.1 and 32.2 of the General Terms and Conditions, the Agreement cannot be changed without both parties agreeing to a written amendment. Allegiance should not be permitted to utilize a tariff filing to unilaterally override or supplement the terms of its interconnection agreement with another carrier.

³ See, Order Approving Interconnection Agreement, Case No. TO-2000-202, issued October 29, 1999 at p. 6.

WHEREFORE, Southwestern Bell requests the Commission to reject, or in the alternative, suspend and investigate Allegiance's proposed Tariff No. 200201087.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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Attachment A

June 14, 2002

VIA AIRBORNE EXPRESS

Mr. Dale Roberts
Executive Secretary
Missouri Public Service Commission
Governor Office Building
200 Madison Street
Jefferson City, Missouri 65101-3254

RECEIVED³

JUN 17 2002

Records
Public Service Commission

Re: Tariff Revision for Allegiance Telecom of Missouri, Inc.

Enclosed for filing please find an original and three (3) copies of a tariff revision for the Allegiance Telecom of Missouri, Inc. access services tariff P.S.C.MO No. 3. This filing adds Service Transfer Charges.

The following pages are included with this filing:

1st Revised Page 3.

1st Revised Page 65

The company respectfully requests that these tariff pages become effective on July 16, 2002.

Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the enclosed self-addressed stamped envelope.

If you have any questions or concerns pertaining to this filing, please contact me at 469-259-2087. Thank you for your time and attention to this matter.

Respectfully submitted,

Stephanie K. Kurlan

Stephanie K. Kurlan
Manager, Regulatory Compliance
Allegiance Telecom of Missouri, Inc.

200201087

ACCESS SERVICE

SECTION 5 - MISCELLANEOUS CHARGES

5.1 Service Transfer Charges

5.1.1 Description

Service Transfer Charges are applied for processing a request to move a customer from the Company's local exchange service to another carrier's local exchange service. These charges are applied to the requesting carrier on a per order and per line basis for each Local Service Request (LSR) received by the Company.

5.1.2 Rate Elements

	<u>Electronic Processing</u>	<u>Manual Processing</u>
LSR Order Charge, per order	\$17.93	\$24.07
LSR Line Charge, per line	\$17.71	\$17.71


ISSUED: June 17, 2002

EFFECTIVE: July 16, 2002

Issued by: Lyndall Nipps
Vice President - Regulatory Compliance
Allegiance Telecom of Missouri, Inc.
9201 North Central Expressway, Dallas, TX 75231

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail or hand-delivery on July 8, 2002.


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