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October 4, 1999

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

FILED<sup>2</sup>

OCT 4 1999

Missouri Public  
Service Commission

Re: Case No. TT-99-428, et al.

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Telephone Company's Statement Of Position.

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

Very truly yours,

*Leo J. Bub/Tm*

Leo J. Bub

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
OCT 4 1999

Missouri Public  
Service Commission

In the Matter of Alma Telephone Company's Filing to )  
Revise its Access Service Tariff, PSC Mo. No. 2. )

Case No. TT-99-428, et al.

**SOUTHWESTERN BELL TELEPHONE COMPANY'S  
STATEMENT OF POSITION**

Southwestern Bell Telephone Company, pursuant to the Missouri Public Service Commission's August 10, 1999 Order Establishing Procedural Schedule,<sup>1</sup> respectfully submits its Statement of Position:

1. Is the tariff proposed by MMG lawful as applied to wireless or CLEC traffic?

**SWBT POSTION:** No. MMG's proposed tariff is too broad in its application. By its terms, the tariff appears to apply to both the carrier whose customer originated the call and the carrier who transits the call from the originating carrier's network to the MMG company where the call terminates. If the tariff applies to transiting carriers like Southwestern Bell, it is unlawful in violation of interconnection agreements which the Commission previously approved as well as other Commission orders. (Hollingsworth Rebuttal, pp. 11-12).

Even if the tariff is intended to apply only to originating wireless and CLEC carriers, it is not lawful. Switched access rates generally do not apply to traffic originated by a wireless carrier. Access charges only apply to such traffic that is interMTA. But wireless traffic that originates and terminates within the same MTA is to be considered local traffic under FCC rules and not subject to interstate or intrastate switched access rates. As such, the wireless carriers and MMG companies should negotiate for reciprocal local compensation under the Telecommunications Act of 1996. (Hollingsworth Rebuttal, p. 3).

While access charges can apply to interexchange traffic originated by a CLEC, access does not apply to traffic exchanged with a CLEC on a local basis. For such traffic, Section

<sup>1</sup> In the Matter of Alma Telephone Company's Filing to Revise its Access Service Tariff, P.S.C. Mo.-No. 2, et al., Case Nos. TT-99-428, et al, Order Consolidating For All Purposes, Order Establishing Procedural Schedule, and Order Granting Suspension of Tariffs, issued August 10, 1999, at p. 4.

252(d)(2) of the Federal Telecommunications Act requires cost-based rates for reciprocal local compensation.

2. If lawful, should the tariff proposed by MMG be approved?

**SWBT POSTION:** The Commission should reject MMG's proposed tariff. It is overly broad in its application to transiting carriers. Even if limited to originating wireless and CLEC carriers, it should not be approved. The Commission should make clear that rates for MMG's exchange of intraMTA traffic with wireless carriers and local traffic with CLECs should be negotiated pursuant to the Federal Telecommunications Act.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on October 4, 1999.

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