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April 26, 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

APR 27 1999

Missouri Public
Service Commission

Re: Case No. TT-99-433

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Telephone Company's Application To Intervene.

Please stamp "Filed" on the extra copy and return the copy to me in the enclosed self-addressed, stamped envelope.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Leo J. Bub".

Leo J. Bub

Enclosure

cc: Attorneys of Record

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

FILED

APR 27 1999

Missouri Public
Service Commission

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

Case No. TT-99-433

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
APPLICATION TO INTERVENE**

Southwestern Bell Telephone Company, pursuant to §386.420 RSMo (1994 Revised) and 4 CSR 240-2.075, and respectfully seeks to intervene in this proceeding. In support of its application, Southwestern Bell states:

1. Southwestern Bell is a Missouri corporation duly authorized to conduct business in Missouri with its principal Missouri office at One Bell Center, St. Louis, Missouri 63101. Southwestern Bell is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in §386.020 RSMo (1994 Revised).

2. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Paul G. Lane
Leo J. Bub
Anthony K. Conroy
Katherine C. Swaller
Attorneys for Southwestern Bell
Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101

3. The tariff filed in this docket proposes to add language to the petitioning telephone company's intrastate access service tariff to clarify that intrastate access rates apply to all traffic regardless of type or origin until superseded by an agreement approved pursuant to the Federal Telecommunications Act. Staff of the Missouri Public Service Commission petitioned the Commission to suspend this tariff filing because it would make switched access rates apply to wireless originated traffic. Staff explained that wireless traffic that originates and terminates

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within the same Major Trading Area (MTA) is to be considered local traffic. As such, it is subject to transport and termination rates under the Federal Telecommunications Act, and not inter or intrastate access rates.

4. Southwestern Bell seeks to intervene in this proceeding because it has a direct interest in the Commission's decision on the proposed tariff revision. While the proposed revision appears to be directed at wireless carriers, attempts may be made to apply it to Southwestern Bell in some circumstances. Under the December 23, 1997 Report and Order in Case No. TT-97-524, the Commission determined that Southwestern Bell should remain "secondarily liable" to LECs that terminate wireless traffic that transits Southwestern Bell's network under its wireless carrier interconnection service tariff, PSC Mo.-No. 40. Thus, if the Commission approves this tariff revision, the terminating carrier may attempt to force Southwestern Bell to pay access charges on transited wireless traffic when that terminating carrier has not reached agreement with the originating wireless carrier on the appropriate compensation for such traffic. Southwestern Bell concurs with Staff that federal law does not permit the application of inter or intrastate access rates to wireless traffic, except when that traffic is interMTA.


5. Southwestern Bell's interests differ from those of the general public because the proposed revision may have application to Southwestern Bell. No other party to this proceeding will adequately protect Southwestern Bell's interest.

6. Granting of this intervention will be in the public interest because Southwestern Bell will bring to this proceeding its expertise and experience as a telecommunications provider.

WHEREFORE, Southwestern Bell respectfully requests the Commission to grant this Application to Intervene.


Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY 
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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 April 26, 1999.



Leo J. Bub

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