

CURTIS, OETTING, HEINZ, GARRETT & O'KEEFE, P. C.
ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200
ST. LOUIS, MISSOURI 63105
(314) 725-8788
FAX (314) 725-8789

LELAND B. CURTIS
PRINCIPAL

LCURTIS@COHGS.COM

July 11, 2002

Secretary of the PSC
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED³

JUL 12 2002

Re: Case Nos. TT-2002-472
TT-2002-473

Missouri Public
Service Commission

Dear Sir or Madam:

Enclosed for filing with the Commission in the above-referenced case is an original and nine copies of WCOM'S Motion To Compel SWBT's DR Responses. Please file stamp the additional copy and return it to me in the enclosed self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Leland B. Curtis

LBC/kw

cc: Parties of Record

JUL 12 2002

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Missouri Public Service Commission

In the Matter of Southwestern Bell)	
Telephone Company's Tariff to Initiate)	<u>Case No. TT-2002-472</u>
Residential Customer Winback Promotion)	Tariff No. 200200831

In the Matter of Southwestern Bell Telephone)	
Telephone Company's Tariff Filing to Extend)	<u>Case No. TT-2002-473</u>
Business Customer Winback Promotions)	Tariff No. 200200828

WCOM'S MOTION TO COMPEL SWBT'S DR RESPONSES

Comes Now WorldCom (WCOM), consisting of MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc., and MCI WorldCom Communications, Inc., pursuant to 4 CSR 240-2.090(8) and files with the Public Service Commission (Commission) of the State of Missouri its motion to compel responses from Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company (SWBT), to the data requests (DRs) propounded by WCOM on May 17, 2002, in the above-styled and numbered proceedings and in support shows:

I. Factual Background

SWBT filed the two tariffs at issue on March 29, 2002. Tariff No. 200200831, or case TT-2002-472, proposes to waive the Service and Equipment Charge to any residential customer who has disconnected SWBT's service, established service with a competitive local exchange carrier (CLEC) and who wishes to return to SWBT (a "winback:"). This promotion also waives the nonrecurring charges to winback customers who subscribe to SBC's Advantagesm, Essentialssm, BASICS or WORKS packages. SWBT originally planned to offer the promotion for slightly less than one year in duration. Tariff 200200828, or case TT-2002-473, requests an extension of a business winback promotion that expired April 9, 2002 and waives the nonrecurring Service

and Equipment Charges to “business customers who had established service with another local exchange carrier within the SWBT service area and who now wish to establish service with SWBT.”¹ The promotion was to last for 365 days.

The Commission suspended the tariffs on Staff’s April 3, 2002, motion. Staff opined that the Commission, in its Report and Order in Case No. TT-2002-108, found that such winback promotions were anticompetitive and unduly discriminatory under section 392.200 RSMo.

WCOM filed its application to intervene on April 29, 2002, which the Commission granted on May 10, 2002. On May 17, 2002, WCOM issued 20 data requests² (DRs) to which SWBT objected on May 28, 2002.³ The Parties’ efforts on June 13, 2002, to resolve the discovery dispute were unsuccessful, as was the June 19, 2002, teleconference with Judge Morris L. Woodruff. Judge Woodruff accordingly granted WCOM’s request for authority to file this motion to compel.

II. Issues in Dispute

SWBT maintains WCOM’s DRs go beyond the issues raised by the two tariffs. WCOM disagrees. This investigation encompasses more than the tariffs’ rates, terms, and conditions. Associated with the winback tariffs are SWBT practices and internal procedures that make the winback tariffs highly anticompetitive.

A. SWBT ALONE ACCESSES CUSTOMER DISCONNECTION INFORMATION

SWBT’s marketing department receives customer disconnection information (Disconnection Information) that is available to SWBT solely because SWBT is the wholesaler incumbent local exchange carrier (ILEC). While WCOM’s evidence to date is not Missouri-

¹ SWBT Local Exchange Tariff, 3rd Revised Sheet 1.03, Replacing 2nd Revised Sheet 1.03, § 1.1.6, filed March 28, 2002..

² A copy of WCOM’s DRs is attached hereto.

³ A copy of SWBT’s objections to WCOM’s DRs is attached hereto. SWBT produced some responses to DR No. 2.

specific, it is substantial, relates directly to SWBT's winback promotions, and warrants investigation by the Commission to determine the winback tariffs' potential impact on competition in the Missouri telecommunications marketplace.

During the Texas Section 271 investigation, SWBT admitted:

When a SWBT customer disconnects service and changes the service provider, the retail side of SWBT's operations has access to the disconnected records created after the order for the CLEC service is posted to completion. The disconnect reason code along with billing name, address and telephone number are used in initiating the win-back program.⁴

The 271 proceedings established that many SWBT policies and practices are region-wide. SWBT's use of the Disconnection Information in Missouri in coordination with winback promotions is a virtual certainty. SWBT does not dispute use of the Disconnection Information but merely avers that its use of Disconnection Information is not relevant to the instant proceeding regarding its winback tariffs.

As noted above, SWBT's wholesale arm generates the Disconnection Information and provides it to SWBT's marketing departments. On the heels of the customer service migration, SWBT mails out to each now-former customer winback letters⁵ touting lower rates for local service and other services from SWBT affiliates. The letter is disguised as a public service with its "you may have been slammed" message, but it is an unmistakable winback/marketing effort. The letter provides a callback telephone number that is answered by SWBT marketing personnel who—at a minimum—make their lower-prices sales pitch.⁶ SWBT also uses the Disconnection

⁴ Commission Recommendation No. 15, *Investigation Into Southwestern Bell Telephone Company's Entry Into In-Region InterLata Service Under Section 271 of the Telecommunications Act of 1996*, Project No. 16251, Final Staff Report, November 18, 1998, at 25 (Project No. 16251).

⁵ WCOM attaches to this filing Exhibit A, the Texas winback letter filed with its motion to intervene. WCOM points out that Exhibit A is signed by the "Director Consumer Winback – SBC Southwestern Bell." No distinction is made for Texas, wherein the letter was sent, and "SBC Southwestern Bell" includes Missouri.

⁶ The scripts and/or policies and guidelines used by SWBT in responding to callbacks, which information the DRs request, will be probative of the context of these discussions, but clearly zealous SWBT personnel certainly have the opportunity to disparage CLEC service and prices.

Information to leave a voice mail⁷ for each migrating customer. The voice mail again uses a slamming scare tactic in the guise of a public service message. Voice mail also provides a toll-free callback number that WCOM suspects is answered by SWBT's marketing department.

B. REQUEST FOR BUSINESS CPNI MAY TRIGGER SWBT RETENTION OFFERS

For its business promotions, SWBT also appears to gain unique access to notices regarding requests for information significantly similar to the Disconnection Information: Customer Proprietary Network Information (CPNI).⁸ To determine the needs of possible business customers, CLECs request CPNI. A request by a CLEC for CPNI serves as an early warning signal that a business customer is contemplating a switch in service. SWBT wholesale personnel then can communicate the CPNI request to SWBT's retail marketing department, serving as a "heads-up" to watch for possible customer migration and implement any needed retention or winback promotions.

C. SWBT'S PRICE DISCRIMINATION VIOLATES MISSOURI LAW AND ROBINSON-PATMAN ACT

Both SWBT tariffs further evidence price discrimination in violation of Section 392.200 and the Robinson-Patman Act (the R-P Act), both of which prohibit discrimination in the sale of

⁷ Attached as Exhibit B is the script from a voice mail left by SWBT to a Texas end user.

⁸ CPNI is "information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship." 47 C.F.R. § 64.2003(c)(1)(i).

⁹ "It shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale . . . where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them . . ." 15 U.S.C. § 13(a). Under § 2(b) of the R-P Act, a seller can rebut a prima facie case of price discrimination by showing that the lower price was made in good faith to meet a competitor's equally low price. 15 U.S.C. § 13(b).

like commodities to similarly situated purchasers.⁹ Non-winback residential customers and winback residential customers pay different prices for the same offerings.

D. CLECS DISADVANTAGED BY UNAVAILABILITY OF INFORMATION

Incumbent SWBT's almost-immediate knowledge of the universe of customers willing to try competition and its provision to SWBT's retail personnel of such information competitively disadvantages CLECs. This activity permits SWBT to take a free ride on CLEC marketing efforts: the search for those end users who are price sensitive and the provision of information regarding the differences in products and pricing. SWBT causes CLEC inefficiencies, as they expend time, efforts and resources marketing to pricing-sensitive customers who SWBT can then win over with its "promotional" and discriminatory lower-than-the-CLEC pricing. CLECs, moreover, are not positioned to wage a pricing war against SWBT that they will lose. By constructing callback lists composed of CLEC disconnection information, SWBT may violate interconnection agreements and engage in the disclosure of CLEC proprietary and trade secret information.

E. DATA REQUESTS ARE RELEVANT AND NECESSARY TO INVESTIGATION

SWBT objects because WCOM's DRs address the policies, procedures, requirements, guidelines, directives, and practices (the Policies and Practices) concerning the exchange of customer information between SWBT's wholesale and retail departments and development of pricing for tariffs including those underlying the tariffs at issue. SWBT generally claims the DRs are irrelevant and do not address the tariffs at issue.

SWBT's Policies and Practices cannot be more relevant; they are the basis for all SWBT's actions as to these and all tariffs. WCOM's DRs clearly inquire about information and materials used in connection with the rates, terms, and conditions of the two tariffs. SWBT,

moreover, opens the door to a review of more than just the four corners of the two tariffs with its testimony regarding the previous tariffs approved by the Commission during the past 22 months.¹⁰ The DRs address the availability of Disconnection Information, the exchange of customer information between SWBT's wholesale and retail operations, and the use of customer information for winback and retention offers. The DRs request that SWBT provide numbers of winbacks and retentions resulting from letters and/or voice mails to end users identified by the Disconnection Information and/or CPNI. SWBT opens this door with its testimony that CLECs are making inroads in Missouri and statements about "competitive disconnects".¹¹ The DRs address also pricing for winbacks and retentions to assess whether SWBT discriminates among purchasers or can claim the R-P Act affirmative defense of meeting the equally low price of a competitor.

WCOM alleges SWBT's activities are anticompetitive. WCOM's DRs are relevant to determining the effect on competition in Missouri of SWBT's winback tariffs combined with its present Policies and Practices.

III. WCOM's Response to SWBT's General Objections

SWBT maintains the objections below apply to each DR propounded by WCOM. WCOM replies as follows:

1. If the requested information contains Highly Confidential and/or Proprietary information, SWBT asserts it will produce pursuant to the Protective Order entered by the Commission in this docket. WCOM agrees that production pursuant to the Protective Order is appropriate. WCOM

¹⁰ June 28, 2002, Direct Testimony of John Regan, Jr., at pp. 4, 5-6; June 28, 2002, Direct Testimony of Thomas F. Hughes at p. 4-5.

¹¹ June 28, 2002, Direct Testimony of John Regan, Jr., at p. 6; June 28, 2002, Direct Testimony of Thomas F. Hughes at pp. 6-7.

reserves the right, however, to challenge the designation of information as Highly Confidential and/or Proprietary if such designation by SWBT is not warranted.

2. SWBT objects to the production of information and material related to its non-Missouri business operations about which several WCOM DRs request information. WCOM avers that SWBT's offerings are anticompetitive and may violate the Robinson-Patman Act by discriminating between purchasers, i.e., winback versus non-winback customers. SWBT can rebut the discrimination if its offerings are tailored to meet the equally lower prices of a competitor. However, if SWBT's winback offerings are region-wide rates, they are not uniquely tailored to meet competition in Missouri and cannot be afforded this affirmative defense. Production of the requested region-wide DR information and material, thus, is relevant to this proceeding and will lead to the discovery of admissible evidence.

3. SWBT objects to the production of information that it claims is protected by the attorney/client privilege and/or the work product doctrine. WCOM will comply with the Missouri rules applicable to privileged information and material. WCOM requests, however, that SWBT identify the information and material with the specificity requested by the DR instructions so that WCOM can determine whether the privilege validly attaches. If not persuaded by SWBT's explanations, WCOM may request an *in camera* inspection by the Commission.

4. SWBT further generally objects to production it claims concerns a public record filed with the Commission but does not identify a single specific DR to which this objection applies. Should SWBT make such a specific claim, WCOM reserves the right to refute the claim.

5. WCOM requests information during the January 1, 2000-to-date timeframe, which SWBT claims is overly broad and burdensome. Information and material during this period is

necessary to determine the effect of SWBT's winback offers on competition; a shorter timeframe would not provide sufficient information to conduct a valid analysis. SWBT cannot claim in its testimony that its offerings have no effect on competition and yet not permit access to information that can prove or disprove its claim and/or permit WCOM to prove the anticompetitive effect of SWBT's winback and retention promotions. Indeed, SWBT expressly relies on its prior activities in support of its currently proposed tariffs. See footnote 10, *supra*.

IV. WCOM's Responses to SWBT's Objections to WCOM's Definitions and Instructions

1. SWBT objects to WCOM definitions and instructions that seek to impose obligations on SWBT beyond those required by the Missouri Practice and Procedure Rules and the Missouri Rules of Civil Procedure. WCOM expects no more than what is required by the Missouri Rules but reserves the right to dispute whether SWBT's compliance, in fact, is consistent with the applicable rules. WCOM notes several DRs wherein it does not agree with SWBT's position that the WCOM definitions and instructions impose obligations on SWBT beyond those required by the applicable rules.

2. SWBT objects to WCOM's request that SWBT "identify at the end of each answer the person(s) most knowledgeable about the response and the person(s) responsible for the preparation of each response." SWBT claims the responses are collaborative efforts, and it will identify the person(s) responsible for preparing each response.

Apparent from SWBT's objection is that the SWBT employee responsible for preparing a response may not necessarily be the person most knowledgeable about the response and/or issue, as is proven by SWBT's response to DR No. 2. At DR No. 2, SWBT states that Renee Flores is the SWBT director of Consumer Product Management for SWBT Regional Marketing responsible for the residential winback tariff at issue, yet the person preparing the response is

Sam G. Maropis, associate director of Product Management for Ameritech Corporate. Lynn Lehew, the SBC Southwestern Bell Director Consumer Winback, moreover, signs the SWBT winback letter (Exhibit A).

Clearly, the Parties to this proceeding should have the opportunity to question the SWBT employee who has the most knowledge of the requested and relevant information. Neither the Commission nor the participants should have to deal with SWBT employees who can claim little knowledge of the issues. Additionally, identification of the persons most knowledgeable about the responses versus the persons responsible for the preparation of each response will assist WCOM in identifying those persons who may need to be deposed or subpoenaed.

3. SWBT again objects to WCOM's DR requesting the identification of any information and materials SWBT claims are privileged. Please see WCOM's response to the general objections at Number 3, page 8 above.

4. SWBT appears to object to the following WCOM Instruction:¹² "For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the request precisely as it is stated, provide any information that is available which would respond to that request at a level of detail different from that specified herein." SWBT further asserts that the Instruction is overly broad and burdensome.

WCOM simply asks SWBT to explain why information is not available, e.g., SWBT cannot produce the information, because it does not keep the data in the format requested. In which case, the second part of WCOM's instruction would require that SWBT produce the information in the format in which it does keep the data.

¹² SWBT does not identify the Instruction by the corresponding number used in WCOM's DRs. The Instruction above—Instruction No. 10—appears the closest fit to SWBT's objection.

5. SWBT objects, as vague and ambiguous, to the WCOM Instruction requesting that for each DR response SWBT “state fully any exception(s) that apply.” For several DRs WCOM asks SWBT to explain its Policies and Practices. In those cases wherein SWBT does not comply with its established Policies and Practices, WCOM requests that SWBT provide an explanation of any Policies and Practices that are not identical to that described—the exceptions. The exceptions could be that which constitutes the anticompetitive behavior and clearly is information relevant to this investigation.

6. WCOM uses a standard definition of the word “concerning,”¹³ yet SWBT objects the definition is overly broad, unduly burdensome and beyond the permissible scope of the Missouri Practice and Procedure Rules and the Missouri Rules of Civil Procedure. Like SWBT’s “public record” objection, this objection is frivolous and not made in good faith.

7. WCOM includes in the definition of “documents” those “of which you [SWBT] have knowledge,” and SWBT objects, claiming knowledge of the existence of material is not the proper standard and citing to Rule 58.01(a) of the Missouri Rules of Civil Procedure. WCOM asserts that knowledge of the existence of material is a proper request as knowledge of the existence of a document falls within the permissible “control” standard of Rule 58.01(a). WCOM’s DRs ask, e.g., for documents addressing SWBT Policies and Practices, and, thus, any documents of which SWBT has knowledge would be in SWBT’s control. If SWBT has knowledge of such documents, Rule 58.01(a) requires their production or an explanation of why the documents are not being produced.

¹³ Definition Number 5 defines: “Concerning” means relating to, pertaining to, referring to, describing, evidencing, or constituting and shall include all facts, events, circumstances, documents, information or communications which contain, show, relate, mention, refer or pertain in any way, directly or indirectly to, or are in any legal, logical or factual way connected with, a request for information, and include documents underlying, supporting, now or previously attached or appended to or used in the preparation of any document called for by such request.

8. SWBT objects to WCOM's definition of "retention"¹⁴ as overly broad and unduly burdensome, stating that it would include every generally available promotional offer or discount. This objection is the crux of the dispute between the Parties. WCOM addresses this objection within its "Issues in Dispute" *supra* and each specific DR *infra*.

9. The definition of "you" and "your" are objectionable, SWBT claims, because they are overly broad; result in the request of information from SWBT attorneys, employees, representatives, or consultants; and results in the request of information that is privileged and protected by the attorney-client privilege and/or work product doctrine. "You" and "your" are properly defined and should include SWBT attorneys, employees, representatives, or consultants. SWBT then can claim any applicable privileges as permitted by the Commission's applicable rules and the Missouri Rules of Civil Procedure.

10. SWBT objects to WCOM's definition of "winback"¹⁵ as overly broad and unduly burdensome, stating that it would include every generally available promotional offer or discount. This objection is the crux of the dispute between the Parties. WCOM addresses this objection within its "Issues in Dispute" *supra* and each specific DR *infra*.

11. SWBT objects, as exceeding the requirements under the Practice and Procedure Rules, to the WCOM instruction asking that SWBT supplement its responses. WCOM's instruction does not exceed the applicable rules. Supplementation is necessary should SWBT locate requested information after the initial production. SWBT cannot be permitted to claim it cannot locate requested information and material but, when located, does not produce it because it asserts it is not required to supplement its production. See Rule 56.01(e)(2).

¹⁴ WCOM definition number 15 states: "'Retention' means a promotional offer or discount that is available to existing SWBT customers that have an offer from another service provider available to them and/or are considering switching their service to a competitor."

¹⁵ WCOM definition number 20 states: "'Winback' means a promotional offer or discount that is available to former SWBT customers that voluntarily terminated their service and subscribe to the services of a competitor."

V. WCOM's Responses to SWBT's Objections Regarding WCOM's Data Requests

In addition to the above objections, SWBT makes the following specific objections:

Data Request No. 1

SWBT's primary objection is that this DR asks for (1) non-Missouri specific information and/or information about SWBT's affiliates; and (2) information not associated with the tariffs at issue in this proceeding. SWBT also asserts the DR is overly broad, unduly burdensome, is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

WCOM's DR No. 1 cannot be more on point, narrowly focused, and relevant to this investigation. It asks SWBT to identify the SWBT Departments charged with winback and/or retention offers for Missouri and to produce any documents concerning SWBT's winback and/or retention Policies and Practices applicable to Missouri since January 1, 2000. DR No. 1, thus, does not ask for non-Missouri specific information, and SWBT's first objection is invalid.

WCOM alleges that, to achieve the winback underlying the two tariffs at issue, SWBT improperly uses information not available to CLECs. The winback pricing also discriminates against non-winback customers. SWBT Departments that conduct winback offerings and the Policies and Practices by which they must conduct them are necessary to the determination of whether the tariffs are anticompetitive. The requested timeframe permits WCOM to review changes, if any, in the SWBT Policies and Practices as competition in the Missouri telecommunications marketplace has evolved.

Data Request No. 2

DR No. 2 asks SWBT to identify the directors for the residential and business winback departments and for any other category of promotions. SWBT asserts the DR is overly broad, overly burdensome, and irrelevant.

In the lone DR to which SWBT has responded thus far, SWBT identifies the persons responsible for each of the residential and business winback tariffs.

WCOM alleges that SWBT has access to competitively advantageous disconnection and/or CPNI-related information that it improperly uses to make its winback and/or retention pitches. This DR seeks information that can lead to a determination of how extensive SWBT's use of the information is and its effect on competition.

Data Request No. 3

SWBT claims DR No. 3 seeks information about matters not pertaining to the tariffs at issue and is vague, overly broad, unduly burdensome, and seeks irrelevant information. DR No. 3 asks that SWBT explain how each SWBT Department receives notice that an end user is migrating to a competitor (Change Notice) and that SWBT identify the Department originating the Change Notice.

This DR focuses on WCOM's claim that SWBT uses information unavailable to CLECs that competitively advantages SWBT. The information will permit a determination of whether SWBT is competitively advantaged and the impact on competition—whether use of the disconnection information to make winback offers is anticompetitive. Use of the Change Notice is applicable to the two tariffs at issue.

Data Request No. 4

SWBT repeats its objections to DR No. 3, claiming DR No. 4 seeks information about matters not pertaining to tariffs at issue and is vague, overly broad, unduly burdensome, and seeks irrelevant information. This DR asks that SWBT provide a listing of the contents of a Change Notice for an end user in Missouri and that SWBT produce a sample of each format of Change Notice used in Missouri since January 1, 2000.

SWBT's response to this DR will determine whether the information, e.g., name, address, telephone number, contained within the Change Notice is sufficient to permit SWBT personnel to market winback and/or retention customers. The sample formats will establish whether the information contained with the Change Notice has differed throughout the requested time period. The Change Notice is the heart of the information that improperly gives SWBT the competitive edge denied CLECs.

Data Request No. 5

SWBT repeats its objections to DR No. 3, claiming DR No. 5 requests information about matters not pertaining to tariffs at issue and is vague, overly broad, unduly burdensome, and seeks irrelevant information. DR No. 5 asks that, for each different type of migration,¹⁶ SWBT identify each Department that has access to Change Notices for Missouri end users, how each Department gets access, and the time lapse between the origination of a Change Notice and the Department's ability to access a Change Notice.

This DR builds on the information requested in the previous DRs and requests information that will lead to evidence that definitively may establish the anticompetitive nature of SWBT's access to the disconnection information and Change Notice. The time lapse between the CLEC notice of a residential end user's migration and/or a business customer's potential offer from a CLEC further may establish the futility of CLECs' marketing when SWBT's marketing personnel possibly have knowledge of the CLEC migration before even the CLEC.

Data Request No. 6

SWBT repeats its objections to DR No. 3, claiming DR No. 6 requests information about matters not pertaining to tariffs at issue and is vague, overly broad, unduly burdensome, and

¹⁶ The three types of migrations include those end users migrating from: (1) SWBT to any competitor; (2) any competitor to another competitor; or (3) any competitor to SWBT.

seeks irrelevant information. DR No. 6 refers to the three migration categories in DR No. 5 (*see* footnote no. 9) and asks whether or not—and if not, why not—the Change Notice is provided to CLECs, how access is provided, and the time lapse between the origination of the Change Notice and the availability to the CLEC. Further, WCOM asks under what conditions SWBT would provide the Change Notice to CLECs if SWBT does not provide the Change Notice to CLECs.

Clearly this DR is relevant to the two tariffs at issue, as well as all SWBT promotions that make use of Disconnection Information and Change Notices. If Disconnection Information and Change Notices are not available to CLECs and/or are not available under the same terms and conditions as available to SWBT, CLECs are greatly disadvantaged, and SWBT's practice is anticompetitive.

Data Request No. 7

DR No. 7, SWBT maintains, requests information about matters not pertaining to tariffs at issue and is overly broad, unduly burdensome, and seeks irrelevant information. WCOM asks that SWBT describe each winback and/or retention offer that SWBT has used in Missouri since January 1, 2000, under two distinct scenarios.¹⁷

The scenarios focus on two timeframes when SWBT learns that an end user is migrating to a CLEC, which in combination with the winback and/or retention offers that SWBT has used in Missouri, establish the range of activity that may be anticompetitive and threaten competition. The DR will lead to the discovery of admissible and relevant evidence.

Data Request No. 8

SWBT objects that DR No. 8 requests information that is overly broad, unduly burdensome, seeks irrelevant information, and “may not be associated” with the proposed tariff.

¹⁷ The two scenarios are: (a) during the time between when SWBT first learns that a customer is migrating to a competitor and the date the end user migrates to a competitor; and (b) after an end user migrates to a competitor.

WCOM asks that SWBT provide a copy representative of each document mailed to Missouri customers by SWBT since January 1, 2000 in an effort to achieve winback and/or retention of residential or business customers or any other end user classification used by SWBT.

SWBT's objection—with its “may not be associated” to the tariff at issue—raises the strong possibility that SWBT, in fact, has sent documents to the various classifications of end users in connection with the tariffs at issue, which SWBT should have produced at a minimum. The exhibit attached to WCOM's intervention request offers some evidence of such documents. WCOM's broader request for copies of documents used to achieve winback and/or retention of ends users from January 1, 2000, to date would establish the applicable winback/retention SWBT Policies and Practices that clearly would apply to the tariffs at issue.

Data Request No. 9

WCOM asks that for any telephone number contained in any document responsive to DR No. 8, SWBT identify the Department receiving the telephone calls and provide a script and/or any other guidelines used by the SWBT personnel answering the calls. SWBT refuses, claiming the phrase “department receiving the telephone calls” is vague and that the DR is overly broad, unduly burdensome, and seeks irrelevant information.

The phrase “department receiving the telephone calls” is not vague. If SWBT sends letters to end users containing winback/retention offers and a callback telephone number is included, the Department to which that callback number is assigned is the Department which identity WCOM seeks.

WCOM also requests the script and/or other guidelines used by the SWBT personnel answering the calls. There is evidence that SWBT mailings with winback offers contained a callback number. It is, thus, likely that SWBT personnel work from scripts or guidelines for

answering the callbacks generated by the winback letters. Any SWBT attempt to pass off the mailings with the “you may have been slammed” message as a public service is, thus, dispelled and should be prohibited as anticompetitive and deceptive. Any such SWBT mailing is made by SWBT with the active intent of winning back the end user.

Data Request No. 10

SWBT asserts DR No. 10 is overly broad, unduly burdensome, seeks irrelevant information, and seeks information not related to the tariff at issue. DR No. 10 asks SWBT to produce all documents establishing, for each month since January 1, 2000, the total number of telephone calls received responsive to any mailing identified in Data Request No. 8; and the winbacks/retentions for residential/business/other SWBT category resulting from the calls responding to the mailings.

The number of successful winback and retentions resulting from the telephone calls that are generated from the disconnection information and Change Notices are the focus of this DR. These numbers will help to establish or dispel whether the use of customer information available to SWBT because of its ILEC/wholesale position is anticompetitive.

Data Request No. 11

DR No. 11 asks that SWBT produce a script of each voice mail left for and/or telephone call placed to Missouri customers since January 1, 2000 in an effort to achieve winback and/or retention of all classes of customers. SWBT claims the DR is overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue.

Scripts for the voice mail and telephone calls may establish the marketing nature of the calls, the slamming misrepresentation, and any anticompetitive predisposition, such as a requirement to obtain the name of the CLEC provider which SWBT can then use to try to

disparage the CLEC or to target particular CLEC customers, if customers repeatedly name a specific CLEC.

Data Request No. 12

SWBT objects that DR No. 12 is overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue. As a follow-up to DR No. 11, DR No. 12 asks that SWBT identify the Department receiving the telephone calls and provide a script and/or any other guidelines used by the SWBT personnel answering the calls.

This DR will establish the job function of the SWBT Department that receives callbacks to the telephone numbers that provide putative assistance with possible slamming violations. As with DR No. 11, any scripts and/or other guidelines used to answer return calls will allow a determination of the nature of the information provided and whether or not the information is anticompetitive.

Data Request No. 13

SWBT is asked to produce all documents establishing, for each month since January 1, 2000, the total number of calls received responsive to any voice mail or telephone call identified in DR No. 11 and the winbacks/retentions resulting from the return calls in each the residential, business, or other categories. SWBT claims the DR is overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue.

The DR is not overly broad, as the applicable timeframe will provide a valid picture of this activity. The numbers will assist in an analysis of SWBT's use of customer information that is available to solely SWBT. The requested information is relevant to the investigation of whether the Policies and Practices that underlie SWBT's tariffs—and those at issue in this proceeding—are anticompetitive.

Data Request No. 14

SWBT objects to this DR as overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue. WCOM asks that SWBT describe the procedure by which SWBT determines rates, terms, and conditions for winback and/or retention offers in Missouri, including under certain conditions.¹⁸ WCOM also requests that SWBT produce any documents that establish SWBT's Policies and Practices for determining rates, terms, and conditions for winback and/or retention offers in Missouri since January 1, 2000, including documentation of any rates, terms and conditions not contained in published tariffs.

If SWBT's Policies and Practices are applicable region-wide, then SWBT cannot avail itself of the "meet the equally low price of the competitor" affirmative defense that is permitted pursuant to the R-P Act.¹⁹ The requested information is necessary also to determine whether SWBT's pricing considers the pricing of a competitor.

Data Request No. 15

DR. No. 15 asks SWBT to describe the procedure by which it identifies a prospective recipient of a winback and/or retention offer in Missouri and to produce any documents that establish SWBT's Policies and Practices for identifying such prospective recipients. SWBT claims the DR is overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue.

¹⁸ The specific conditions are: (a) SWBT's rates, terms, and conditions are based on a comparison with billing information from competitors' billing statements to end users; or (b) SWBT's rates, terms, and conditions are based on a comparison with rates, terms, and conditions paid by SWBT's current end users; or (c) SWBT's rates, terms and conditions are all stated in published tariffs.

¹⁹ Under § 2(b) of the R-P Act, a seller can rebut a prima facie case of price discrimination by showing that the lower price was made in good faith to meet a competitor's equally low price. *15 U.S.C. § 13(b)*.

SWBT further states in its May 28 objections, “Without waiving these objections, SWBT will describe the procedure by which SWBT identifies a prospective recipient of the offers that are combined in the two tariffs that are at issue in this combined proceeding which contain SWBT’s policy, practice, requirement, directive, and/or guideline for identifying the prospective recipients of the offers that are contained in the two tariffs that are at issue in this combined proceeding.” SWBT does not provide a response. Instead, its June 19 production claims, “See SWBT’s General Objections Applicable to All Data Requests, Objections to Definitions and Instruction, and Objections to Data Request No. 15 dated May 28, 2002.”

With its May 28 response SWBT waived its objection to this DR, and WCOM requests that the Commission compel, at a minimum, a response as SWBT had indicated on May 28, 2002 that it would provide.

WCOM further requests that SWBT respond in full to the DR as requested: an explanation for all tariffs, not for just the two tariffs at issue. The information is necessary to determine whether SWBT uses customer information resulting from disconnection notice, CPNI requests, or any other information available to incumbent SWBT and whether it discriminates among those it identifies from such information.

Data Request No. 16

SWBT objects to DR. No. 16 as vague, ambiguous, overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue. The request is that SWBT describe any and all SWBT winback and/or retention marketing for Missouri end users that has been used since January 1, 2000 that was/is not triggered by a Change Notice and/or not directed to a specific end user’s address and/or telephone number and produce any documents that establish SWBT’s Policies and Practices for such marketing not

triggered by a Change Notice and/or not directed to a specific end user's address and/or telephone number.

To assess the anticompetitive effect of use of customer information regarding changes to CLECS, WCOM's DR seeks to establish the degree of marketing SWBT conducts that does not improperly depend on such customer information.

Data Request No. 17

DR No. 17 requests an explanation of how SWBT's current winback and/or retention offers in Missouri differ from SWBT's current winback and/or retention offerings in Arkansas, Kansas, Oklahoma, and Texas. SWBT objects to the DR as overly broad, unduly burdensome, and irrelevant and seeks information regarding SWBT affiliates and about matters not pertaining to the tariffs at issue.

This DR addresses information necessary to a determination of whether or not SWBT engages in a violation of the R-P Act by discriminating among different purchasers of commodities of like grade and quality. Offers that are consistent across SWBT's region are unlikely to meet the affirmative defense of meeting the equally low price of a competitor. WCOM, thus, asks SWBT to explain the differences across the five states.

Data Request No. 18

This DR, according to SWBT, is overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to the tariffs at issue. It requests that SWBT produce all documents that establish, for Missouri, by exchange for each month beginning with January 1, 2000, the number of end users for which SWBT originated or received a Change Notice (a) but SWBT did not lose to a competitor; and (b) lost to a competitor but then regained the end users.

This DR clearly requests numbers that will establish the impact of SWBT's use of Change Notice information. It will assist in an analysis of whether SWBT's access to the information and its unavailability to CLECs is anticompetitive.

Data Request No. 19

DR. No. 19 asks: "If a Missouri end user responds to a SWBT voice mail advising that his/her/its service may have been changed without authorization and the end user returns to SWBT as a customer, explain any SWBT [Policies or Practices] that SWBT submit the information as an unauthorized change to a state or federal regulatory agency, such as the Missouri Public Service Commission or the Federal Communications Commission [FCC]." SWBT's objection is that the DR is overly broad, unduly burdensome, and irrelevant and seeks information about matters not pertaining to tariffs at issue.

WCOM does not ask SWBT to cite to regulation requiring that SWBT submit alleged slam information to the Commission or FCC but asks that SWBT provide an explanation of its Policies and Practices for reporting to the Commission or FCC information regarding a customer who returns to SWBT after calling the voice mail callback telephone number. SWBT opens the door to this slamming DR with references to slamming in both winback letters and voice mail and its use in winback may have as its purpose an anticompetitive outcome. The DR, thus, is relevant.

Data Request No. 20

SWBT limits its response to the tariff at issue.²⁰ WCOM, thus, moves to compel SWBT's response as the DR is asked: "State whether the winback letter attached as Exhibit A has been mailed to end users in Missouri in either the attached format or in a similar format. If the

²⁰ SWBT responds, "[T]he winback letter attached as Exhibit A has not been mailed to end-users in Missouri with respect to the tariffs that are at issue is TT-2002-473."

winback letter has been sent to Missouri end users, explain any differences in the rates, terms, or conditions for service or return-call telephone number.” SWBT asserts the DR seeks information about matters not pertaining to tariffs at issue, seeks information about SWBT affiliates, and is vague, overly broad, unduly burdensome, and irrelevant.


Use by SWBT of a winback letter “in either the attached format [Exhibit A] or a similar format” involves use by SWBT of customer information to which solely SWBT has access. WCOM asserts that use of the customer information improperly competitively advantages SWBT and is anticompetitive.

VI. Conclusion

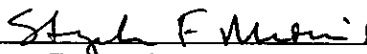
WCOM’s DRs are highly relevant to a determination of two SWBT Policies and Practices that WCOM asserts are anticompetitive. First is the use of CLEC customer information provided by SWBT’s wholesale personnel to SWBT’s retail marketing departments possibly before receipt by the CLEC and unavailability of the same information within the same timeframe to CLECs. The second is SWBT’s pricing of winback and retention offers that discriminate between winback/retention customers and “regular” or nonwinback/nonretention end users in violation of Section 392.200 RSMo and the Robinson-Patman Act. The information requested underlies both tariffs at issue. WCOM urges that, unless the Policies and Practices underlying SWBT’s winback are addressed, competition in the Missouri telecommunications marketplace suffers and consumers are denied the benefits of real and lasting competition.

WHEREFORE, WCOM respectfully requests the Commission grant its Motion to Compel SWBT to provide full answers to WCOM’s first set of DRs.

Respectfully submitted,



Carl J. Lumley, #32869
Leland B. Curtis, #20550
Curtis, Oetting, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@cohgs.com
lcurtis@cohgs.com



Stephen F. Morris
MCI WorldCom
701 Brazos, Suite 600
Austin, Texas 78701
(512) 495-6727
(512)495-6706 (fax)
Stephen.morris@wcom.com

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on the 11th day of July, 2002, by placing same in the U.S. Mail, postage paid.



Office of Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102

Paul G. Lane
General Attorney-Missouri
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, Missouri 63101-1976

Office of General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Rebecca DeCook
AT&T
1875 Lawrence Street, Suite 1575
Denver, CO 80202

Stephen F. Morris
WorldCom Communications
701 Brazos, Suite 600
Austin, Tx 78701

Steve Weber
101 W. McCarty Stret
Jefferson City, MO 65101

EXHIBIT A
(WINBACK LETTER)



March 15, 2002

EXHIBIT A

\$27.95

Get Your
Telephone Line,
Caller ID,
Call Waiting,
CallNotes® Plus
and a
Guaranteed
Low Long
Distance Rate!

Come Back Home

Dear

We understand that your telephone account has been disconnected from SBC Southwestern Bell Telephone Company. As employees who value your business, we want to be sure that this information is correct.

If you did not intend to cancel your service with SBC Southwestern Bell, please contact us, toll free, at 1-888-483-9340 and we will update our records immediately and re-establish your service.

If you intended to cancel your service, **please reconsider and come back home!** We realize there are many choices for local telephone service. But, you may also find out what others have told us....

Experience Counts!

SBC Southwestern Bell Telephone Company has provided reliable local service for over 100 years. Friendly customer service, a reliable network and outstanding products like CallNotes® and DSL Internet bring our customers back home. And all on one simple bill!

A marketing survey indicates a majority of our customers return to SBC Southwestern Bell Telephone Company for our service, products and price.

Plus, we also have some new offers! For only \$27.95 per month you can have your telephone line, Caller ID, Call Waiting and CallNotes® Plus! Ask about our other great plans when you call.

LONG DISTANCE PACKAGES: SBC Southwestern Bell Long Distance offers a variety of packages, with rates as low as 5¢ per minute! Plus SBC Southwestern Bell Long Distance has international plans as well. All are designed to save you money!

INTERNET SPECIAL: Sign up for Prodigy® Dial-Up Internet Service and you'll receive unlimited time on the internet at a discounted rate of only \$15.95 per month!

DSL INTERNET: Faster, easier, smarter-that's what you get by ordering SBC Southwestern Bell DSL High-Speed Internet Access Service. You can *Surf the Web up to 25 times faster than a 56K modem and Download CD-quality music in seconds!* Call to find out what special offers are available.

Please call us today! We want you back!

1-888-483-9340

I look forward to hearing from you.

Lynn Lebew

Director Consumer Winback - SBC Southwestern Bell

Offers for new subscribers only. Some services not available in all areas. SBC Southwestern Bell Long Distance provides this domestic direct-dialed service, where necessary billing arrangements exist with local providers, in the SBC Southwestern Bell Telephone Company service area. Plan requires \$24.95 a month for up to 500 minutes per month. Calls over 500 minutes billed at 7¢ per minute. Excludes taxes, fees, and state and federal universal service funds. Reconnection fees may apply. Monthly rates vary by area and are subject to change. SBC Long Distance calling card calls are not billed at the same rates. SBC Southwestern Bell is a registered trademark of SBC Communications Inc. ©2002 SBC Southwestern Bell Telephone, L.P. All rights reserved. * DSL Internet access service billing begins when your service is activated. Actual throughput speed will vary. DSL Internet access service provided by SBC Southwestern Bell Internet Service, Inc. DSL Internet access service is an information service that combines DSL transport with Internet Access. * Dial-up Internet services provided by Prodigy Communications, L.P. Visit www.sbc.com for conditions. Prodigy® is a registered trademark of Prodigy Communications L.P. Compatible display equipment required for Caller ID. When you call CallNotes® Plus from outside your local calling area to pick up your messages, you will incur toll or long distance charges for the call. If you have Measured Rate Service, you will incur usage charges for every call CallNotes® Plus takes, as well as usage charges for every call you make from home to pick up your messages. CallNotes® is a registered service mark of, and is provided by, SBC Southwestern Bell Messaging Services, Inc.

EXHIBIT B

Message 4. 12:51 p.m. March 14.

[Unintelligible]

Please contact a customer service representative for assistance toll free at 1-866-877-1091 Monday through Friday 8 a.m. to 7 p.m. or Saturday 9 a.m. to 6 p.m.

Thank you from Southwestern Bell.

This is Southwestern Bell Telephone calling with an important message regarding your service.

Your local service has been changed from Southwestern Bell to another local service provider.

If you requested the change, no action is required.

If the change was made without your knowledge, you may have been slammed.

Please contact a customer service representative for assistance toll free at 1-866-877-1

BEEP.

4. Please identify at the end of each answer the person(s) most knowledgeable about the response and the person(s) responsible for the preparation of each response. Please indicate which person(s) will sponsor each answer when and if testimony is filed by your company.

5. A request for documents includes any and all documents within your custody or control. A document is deemed within your custody or control if you have possession of the document or have the right to secure such document from another person having possession thereof. Requested documents should be produced as they are kept in the usual course of business or should be organized and labeled to correspond to the questions in this request.

6. A request for "all documents" or "any documents" contemplates a complete production of materials relating to the referenced subject matter but is not intended to seek a duplicative or cumulative production of documents. To the extent that the production of one set of documents is fully responsive to the information requested, WorldCom does not seek and SWBT need not produce other sets of documents that also address the same matters.

7. In the event that any requested information is considered confidential, please mark and produce the document pursuant to a Protective Order issued in this case.

8. If you claim a privilege, or otherwise decline to produce any document responsive to the questions in this request, in addition to any procedure required by law to preserve the objection or privilege, please provide a statement, within five (5) days of serving your substantive responses to these DRs, setting forth as to each:

- (a) The type of document involved;
- (b) The date appearing on the document, or if no date appears, the date on which the document was prepared;
- (c) The name of the person(s) to whom the document was addressed;
- (d) The name of the person(s) who signed the document or, if not signed, the name of the person(s) who prepared it; and
- (e) The specific ground(s) upon which the claim of privilege rests.

9. If any request includes specific instruction as to the manner in which a response is to be made to that request, then those specific instructions supersede the general ones listed in this section to the extent that they conflict or overlap.

10. For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the request precisely as it is stated, provide any information that is available which would respond to that request at a level of detail different from that specified herein.

11. Any DR stated in the singular also shall require a response in the plural, and any DR stated in the plural shall require a response in the singular.

12. For each response to a DR, state fully any exceptions that apply.

13. Please make service on WorldCom to the following:

Carl J. Lumley
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
314-725-8789 (fax)

and

Patricia Ana Garcia Escobedo
WorldCom
701 Brazos, Suite 600
Austin, Texas 78701

DEFINITIONS

For purposes of these data requests, the terms set forth below shall have the following meanings:

1. "Affiliate" means an entity owned in whole or in part, directly or indirectly, by the SBC holding company that is authorized to provide telecommunications services in any state in the United States or by the Federal Communications Commission and includes the incumbent local exchange carriers Southwestern Bell Telephone Company (SWBT), Ameritech, Pacific Bell Telephone Company (PacBell), Nevada Bell, and Southern New England Telephone Company (SNET), as well as SBC Telecom and Advanced Services, Inc.

2. "Change Notice" is defined in Data Request No. 3.

3. "Communication" means, without limitation, correspondence, e-mail, statements, agreements, contracts, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation, both communications that are face-to-face and those that are transmitted by documents or by media such as intercoms, telephones, computer transmission, television, or radio.

4. "Competitor" means a provider of local exchange service other than Southwestern Bell Telephone Company or an affiliate.

5. "Concerning" means relating to, pertaining to, referring to, describing, evidencing, or constituting and shall include all facts, events, circumstances, documents, information or communications which contain, show, relate, mention, refer or pertain in any way, directly or indirectly to, or are in any legal, logical or factual way connected with, a request for information, and include documents

underlying, supporting, now or previously attached or appended to or used in the preparation of any document called for by such request.

6. "Customer" means any person, firm, partnership, corporation, or other entity that subscribes to service from SWBT, any affiliate, or SBC.

7. "Department" means every SWBT, affiliate, and/or SBC division, organization, entity, person, or any other organizational breakdown used to define division of employment, job, or work functions.

8. "Document" or "Documents" mean(s) any written, recorded or graphic matter, however produced or reproduced, on any medium of any description in your actual or constructive possession, custody, or control, or of which you have knowledge, upon which intelligence or information is recorded or from which intelligence or information can be retrieved; and every copy of such writing or record where the original is not in your possession, custody, or control.

9. "End user" means an individual, association, corporation, government agency, or other entity that subscribes to service and does not resell the service to others or use the service as an input to provide a service to others.

10. "Identify," when used in connection with an act, shall mean to state a description of the act, including the place, date, and time of its occurrence, and the identity of the person, persons, or entities that engaged in and/or witnessed the act.

11. "Identify," when used with reference to a document, shall mean to state the type of document (e.g., book, magazine, article, circular, ledger, letter, memoranda, chart, computer run information, microfilm, etc.), its present location and custodian, a description of its form, title, author/addresser, addressee,

indicated or blind copies, subject matter, volume and page number or other means of general identification, approximate size and number of pages, any attachments or appendices, and the date on which it was made or prepared.

12. "Identify," when used with reference to a person, shall mean to state the full name; present business address; job description or function of that person during the time period indicated by these requests for information; the relationship, if any, of that person to your company including title; and the person's supervisor.

13. "Notice" means any communication whether written, oral, or electronic.

14. "Person" means any natural person, firm, corporation, association, partnership, or other organization or form of legal entity.

15. "Retention" means a promotional offer or discount that is available to existing SWBT customers that have an offer from another service provider available to them and/or are considering switching their service to a competitor.

16. "Service provider" means a provider of local exchange service.

17. "SBC" means SBC Communications Inc. and all of SBC's subsidiaries, including Ameritech, Nevada Bell, Pacific Bell, SBC Telecom, SNET, Southwestern Bell, and Advanced Solutions, Inc.

18. "Time" shall mean a breakdown into the nearest applicable minutes, hours, and/or days.

19. "You," "your," "company," "your company," "the company," or "SWBT" as used herein refer to Southwestern Bell Telephone Company and includes all officers, agents, attorneys, employees, representatives, or consultants of SWBT.

20. "Winback" means a promotional offer or discount that is available to

former SWBT customers that voluntarily terminated their service and subscribe to the services of a competitor.

DATA REQUESTS

Data Request No. 1

Identify each of your Departments that is charged with winback and/or retention offers for Missouri and provide any documents concerning your winback and/or retention policies, practices, requirements, guidelines, and/or directives applicable to Missouri since January 1, 2000.

Data Request No. 2

For SWBT Missouri, identify the Department director for offers addressing:

- (a) residential winback;
- (b) residential retention;
- (c) business winback;
- (d) business retention; and
- (e) winback or retention of any end user not classified by SWBT as residential or business.

Data Request No. 3

For those Missouri exchanges in which SWBT is the incumbent local exchange carrier, explain how each Department receives internal (within your company) notice that an end user plans to migrate or is migrating to a competitor, hereinafter a Change Notice, and identify the Department (or other source) that originates each Change Notice.

Data Request No. 4

State the information contained in a Change Notice for an end user in Missouri, e.g., end user name, address, type of service, average monthly billing amount, name of competitor, and produce a sample of each format of Change Notice that you have used in Missouri since January 1, 2000.

Data Request No. 5

For each subpart below, identify each Department that has access to Change Notices regarding Missouri end users and for each such Department state the manner(s) in which it has such access and the time lapse between the origination of a Change Notice and the Department's ability to access a Change Notice:

- (a) if the end user is migrating from SWBT to any competitor;
- (b) if the end user is migrating from any competitor to another competitor; or
- (c) if the end user is migrating from any competitor to SWBT.

Data Request No. 6

For each subpart in Data Request No. 5, explain if:

- (a) SWBT provides the Change Notice to a competitor, and if so the manner(s) in which the competitor has access and the time lapse between the origination

- of the Change Notice and the availability of the Change Notice to a competitor;
- (b) SWBT does not provide the Change Notice to a competitor, and if not,, why not; and
 - (c) SWBT does not provide the Change Notice to a competitor, under what terms and conditions, if any, SWBT would provide the Change Notice to a competitor.

Data Request No. 7

Describe each winback and/or retention offer that SWBT has used in Missouri since January 1, 2000:

- (a) during the time between when it first learns that a customer is migrating to a competitor and the date the end user migrates to a competitor; and
- (b) after an end user migrates to a competitor.

Data Request No. 8

Provide a copy representative of each document mailed to Missouri customers by SWBT since January 1, 2000 in an effort to achieve:

- (a) winback of a residential end user;
- (b) retention of a residential end user;
- (c) winback of a business end user;
- (d) retention of a business end user; and
- (e) winback or retention of any other end user not classified by SWBT as residential or business.

Data Request No. 9

For any telephone number contained in any document responsive to Data Request No. 8, identify the Department receiving the telephone calls and provide a script and/or any other guidelines used by the SWBT personnel answering the calls.

Data Request No. 10

Produce all documents establishing, for each month since January 1, 2000, the total number of:

- (a) telephone calls received responsive to any mailing identified in Data Request No. 8;
- (b) residential winbacks resulting from the calls placed in response to any mailing identified in Data Request No. 8;
- (c) business winbacks resulting from the calls placed in response to any mailing identified in Data Request No. 8;
- (d) residential retentions resulting from the calls placed in response to any mailing identified in Data Request No. 8;
- (e) business retentions resulting from the calls placed in response to any mailing identified in Data Request No. 8; and
- (f) winbacks or retentions for any other end user not classified by SWBT as residential or business resulting from the calls placed in response to any mailing identified in Data Request No. 8.

Data Request No. 11

Produce a script of each voice mail left for and/or telephone call placed to Missouri customers by SWBT since January 1, 2000 in an effort to achieve:

- (a) winback of a residential end user;
- (b) retention of a residential end user;
- (c) winback of a business end user;
- (d) retention of a business end user; and
- (e) winback or retention of any other end user not classified by SWBT as residential or business.

Data Request No. 12

For any telephone number contained in any voice mail left and/or telephone call identified in response to Data Request No. 11, identify the Department receiving the telephone calls and provide a script and/or any other guidelines used by the SWBT personnel answering the calls.

Data Request No. 13

Produce all documents establishing, for each month since January 1, 2000, the total number of:

- (a) calls received responsive to any voice mail or telephone call identified in Data Request No. 11;
- (b) residential winbacks resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11;
- (c) business winbacks resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11;
- (d) residential retentions resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11;
- (e) business retentions resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11; and
- (f) winbacks or retentions for any other end user not classified by SWBT as residential or business resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11.

Data Request No. 14

Describe the procedure by which SWBT determines rates, terms, and conditions for winback and/or retention offers in Missouri, including whether:

- (a) SWBT's rates, terms, and conditions are based on a comparison with billing information from competitors' billing statements to end users; or
- (b) SWBT's rates, terms, and conditions are based on a comparison with rates, terms, and conditions paid by SWBT's current end users;
- (c) SWBT's rates, terms and conditions are all stated in published tariffs.

Produce any documents that establish SWBT's policy, practice, requirement, directive, and/or guideline for determining rates, terms, and conditions for winback and/or retention offers in Missouri since January 1, 2000, including documentation of any rates, terms and conditions that are not contained in published tariffs.

Data Request No. 15

Describe the procedure by which SWBT identifies a prospective recipient of a winback and/or retention offer in Missouri and produce any documents that establish SWBT's policy, practice, requirement, directive, and/or guideline for identifying such prospective recipients of a winback and/or retention offer.

Data Request No. 16

Describe any and all SWBT winback and/or retention marketing for Missouri end users that has been used since January 1, 2000 that was/is not triggered by a Change Notice and/or not directed to a specific end user's address and/or telephone number and produce any documents that establish SWBT's policy, practice, requirement, directive, and/or guideline for such marketing not triggered by a Change Notice and/or not directed to a specific end user's address and/or telephone number.

Data Request No. 17

Explain how SWBT's current winback and/or retention offers in Missouri differ from SWBT's current winback and/or retention offerings in:

- (a) Arkansas;
- (b) Kansas;
- (c) Oklahoma; and
- (d) Texas.

Data Request No. 18

Produce all documents that establish, for Missouri, by exchange for each month beginning with January 1, 2000, the number of end users for which SWBT originated or received a Change Notice:

- (a) but SWBT did not lose to a competitor; and
- (b) lost to a competitor but then regained the end users.

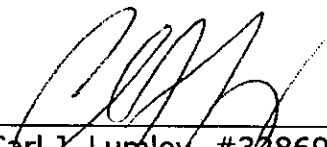
Data Request No. 19

If a Missouri end user responds to a SWBT voice mail advising that his/her/its service may have been changed without authorization and the end user returns to SWBT as a customer, explain any SWBT policy, practice, guideline, directive, and/or requirement that SWBT submit the information as an unauthorized change to a state or federal regulatory agency, such as the Missouri Public Service Commission or the Federal Communications Commission.

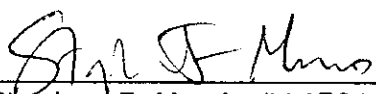
Data Request No. 20

State whether the winback letter attached as Exhibit A has been mailed to end users in Missouri in either the attached format or in a similar format. If the winback letter has been sent to Missouri end users, explain any differences in the rates, terms, or conditions for service or return-call telephone number.

CURTIS, OETTING, HEINZ,
GARRETT & SOULE, P.C.



Carl J. Lumley, #32869
Leland B. Curtis, #20550
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@cohgs.com
lcurtis@cohgs.com



Stephen F. Morris #14501600
WorldCom Communications
701 Brazos, Suite 600
Austin, Texas 78701
(512) 495-6721
(512) 477-3845 (FAX)
stephen.morris@wcom.com

Attorneys for Brooks Fiber Communications of Missouri, Inc.,
MCI metro Access Transmission Services, LLC, and
MCI WorldCom Communications, Inc.

Certificate of Service

A true and correct copy of the foregoing was faxed this 17 day of
May, 2002, to:

Paul G. Lane
General Attorney-Missouri
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, Missouri 63101-1976
(314) 247-0014 (FAX)





ATTACHMENT A

March 15, 2002

\$27.95

Get Your
Telephone Line,
Caller ID,
Call Waiting,
CallNotes® Plus
and a
Guaranteed
Low Long
Distance Rate!

Come Back Home

Dear

We understand that your telephone account has been disconnected from SBC Southwestern Bell Telephone Company. As employees who value your business, we want to be sure that this information is correct.

If you did not intend to cancel your service with SBC Southwestern Bell, please contact us, toll free, at 1-888-483-9340 and we will update our records immediately and re-establish your service.

If you intended to cancel your service, please reconsider and come back home! We realize there are many choices for local telephone service. But, you may also find out what others have told us....

Experience Counts!

SBC Southwestern Bell Telephone Company has provided reliable local service for over 100 years. Friendly customer service, a reliable network and outstanding products like CallNotes® and DSL Internet bring our customers back home. And all on one simple bill!

A marketing survey indicates a majority of our customers return to SBC Southwestern Bell Telephone Company for our service, products and price.

Plus, we also have some new offers! For only \$27.95 per month you can have your telephone line, Caller ID, Call Waiting and CallNotes® Plus! Ask about our other great plans when you call.

LONG DISTANCE PACKAGES: SBC Southwestern Bell Long Distance offers a variety of packages, with rates as low as 5¢ per minute! Plus SBC Southwestern Bell Long Distance has international plans as well. All are designed to save you money!

INTERNET SPECIAL: Sign up for Prodigy® Dial-Up Internet Service and you'll receive unlimited time on the internet at a discounted rate of only \$15.95 per month!

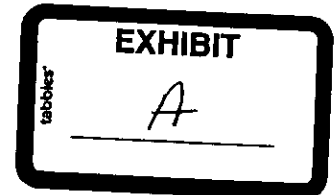
DSL INTERNET: Faster, easier, smarter-that's what you get by ordering SBC Southwestern Bell DSL High-Speed Internet Access Service. You can Surf the Web up to 25 times faster than a 56K modem and Download CD-quality music in seconds! Call to find out what special offers are available.

Please call us today! We want you back!
1-888-483-9340

I look forward to hearing from you.

Lynn Lebew

Director Consumer Winback - SBC Southwestern Bell



Offers for new subscribers only. Some services not available in all areas. SBC Southwestern Bell Long Distance provides this domestic direct-dialed service, where necessary billing arrangements exist with local providers, in the SBC Southwestern Bell Telephone Company service area. Plan requires \$24.95 a month for up to 500 minutes per month. Calls over 500 minutes billed at 7¢ per minute. Excludes taxes, fees, and state and federal universal service funds. Reconnection fees may apply. Monthly rates vary by area and are subject to change. SBC Long Distance calling card calls are not billed at the same rates. SBC Southwestern Bell is a registered trademark of SBC Communications Inc. ©2002 SBC Southwestern Bell Telephone, L.P. All rights reserved. * DSL Internet access service billing begins when your service is activated. Actual throughput speed will vary. DSL Internet access service provided by SBC Southwestern Bell Internet Service, Inc. DSL Internet access service is an information service that combines DSL transport with Internet Access. * Dial-up Internet services provided by Prodigy Communications, L.P. Visit www.sbc.com for conditions. Prodigy® is a registered trademark of Prodigy Communications L.P. Compatible display equipment required for Caller ID. When you call CallNotes® Plus from outside your local calling area to pick up your messages, you will incur toll or long distance charges for the call. If you have Measured Rate Service, you will incur usage charges for every call CallNotes® Plus takes, as well as usage charges for every call you make from home to pick up your messages. CallNotes® is a registered service mark of, and is provided by, SBC Southwestern Bell Messaging Services, Inc.

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of Southwestern Bell Telephone)
Company's Tariff Filing to Extend Business) Case No. TT-2002-473
Customer Winback Promotions.) Tariff No. 200200828

MCI WORLDCOM COMMUNICATIONS, INC.,
BROOKS FIBER COMMUNICATIONS OF MISSOURI, INC.
MCImetro ACCESS TRANSMISSIONS SERVICES, LLC
DATA REQUESTS DIRECTED TO
SOUTHWESTERN BELL TELEPHONE COMPANY

COME NOW MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc., and MCImetro Access Transmission Services, LLC ("WorldCom"), and propound the following Data Requests upon Southwestern Bell Telephone Company ("SWBT") in connection with the above-styled proceeding.

INSTRUCTIONS

1. SWBT's responses to the following Data Requests (DRs) should be served upon WorldCom within 20 calendar days after SWBT's receipt of the DRs. These DRs are continuing in nature, and a supplement to the original answer should be filed as soon as possible if a change or modification to an answer is necessary.
2. Please answer these DRs under oath or stipulate in writing that each specific DR response can be treated as if it were filed under oath.
3. Please copy each question immediately before the answer and respond to each question separately and in the order that it is asked. The numbers of the answers should correspond to the numbers of the questions being answered. To the extent that any document falls within the scope of multiple requests, multiple productions are not necessary; one production referencing the multiple requests is sufficient.

4. Please identify at the end of each answer the person(s) most knowledgeable about the response and the person(s) responsible for the preparation of each response. Please indicate which person(s) will sponsor each answer when and if testimony is filed by your company.

5. A request for documents includes any and all documents within your custody or control. A document is deemed within your custody or control if you have possession of the document or have the right to secure such document from another person having possession thereof. Requested documents should be produced as they are kept in the usual course of business or should be organized and labeled to correspond to the questions in this request.

6. A request for "all documents" or "any documents" contemplates a complete production of materials relating to the referenced subject matter but is not intended to seek a duplicative or cumulative production of documents. To the extent that the production of one set of documents is fully responsive to the information requested, WorldCom does not seek and SWBT need not produce other sets of documents that also address the same matters.

7. In the event that any requested information is considered confidential, please mark and produce the document pursuant to a Protective Order issued in this case.

8. If you claim a privilege, or otherwise decline to produce any document responsive to the questions in this request, in addition to any procedure required by law to preserve the objection or privilege, please provide a statement, within five (5) days of serving your substantive responses to these DRs, setting forth as to each:

- (a) The type of document involved;
- (b) The date appearing on the document, or if no date appears, the date on which the document was prepared;
- (c) The name of the person(s) to whom the document was addressed;
- (d) The name of the person(s) who signed the document or, if not signed, the name of the person(s) who prepared it; and
- (e) The specific ground(s) upon which the claim of privilege rests.

9. If any request includes specific instruction as to the manner in which a response is to be made to that request, then those specific instructions supersede the general ones listed in this section to the extent that they conflict or overlap.

10. For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the request precisely as it is stated, provide any information that is available which would respond to that request at a level of detail different from that specified herein.

11. Any DR stated in the singular also shall require a response in the plural, and any DR stated in the plural shall require a response in the singular.

12. For each response to a DR, state fully any exceptions that apply.

13. Please make service on WorldCom to the following:

Carl J. Lumley
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
314-725-8789 (fax)

and

Patricia Ana Garcia Escobedo
WorldCom
701 Brazos, Suite 600
Austin, Texas 78701

DEFINITIONS

For purposes of these data requests, the terms set forth below shall have the following meanings:

1. "Affiliate" means an entity owned in whole or in part, directly or indirectly, by the SBC holding company that is authorized to provide telecommunications services in any state in the United States or by the Federal Communications Commission and includes the incumbent local exchange carriers Southwestern Bell Telephone Company (SWBT), Ameritech, Pacific Bell Telephone Company (PacBell), Nevada Bell, and Southern New England Telephone Company (SNET), as well as SBC Telecom and Advanced Services, Inc.

2. "Change Notice" is defined in Data Request No. 3.

3. "Communication" means, without limitation, correspondence, e-mail, statements, agreements, contracts, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation, both communications that are face-to-face and those that are transmitted by documents or by media such as intercoms, telephones, computer transmission, television, or radio.

4. "Competitor" means a provider of local exchange service other than Southwestern Bell Telephone Company or an affiliate.

5. "Concerning" means relating to, pertaining to, referring to, describing, evidencing, or constituting and shall include all facts, events, circumstances, documents, information or communications which contain, show, relate, mention, refer or pertain in any way, directly or indirectly to, or are in any legal, logical or factual way connected with, a request for information, and include documents

underlying, supporting, now or previously attached or appended to or used in the preparation of any document called for by such request.

6. "Customer" means any person, firm, partnership, corporation, or other entity that subscribes to service from SWBT, any affiliate, or SBC.

7. "Department" means every SWBT, affiliate, and/or SBC division, organization, entity, person, or any other organizational breakdown used to define division of employment, job, or work functions.

8. "Document" or "Documents" mean(s) any written, recorded or graphic matter, however produced or reproduced, on any medium of any description in your actual or constructive possession, custody, or control, or of which you have knowledge, upon which intelligence or information is recorded or from which intelligence or information can be retrieved; and every copy of such writing or record where the original is not in your possession, custody, or control.

9. "End user" means an individual, association, corporation, government agency, or other entity that subscribes to service and does not resell the service to others or use the service as an input to provide a service to others.

10. "Identify," when used in connection with an act, shall mean to state a description of the act, including the place, date, and time of its occurrence, and the identity of the person, persons, or entities that engaged in and/or witnessed the act.

11. "Identify," when used with reference to a document, shall mean to state the type of document (e.g., book, magazine, article, circular, ledger, letter, memoranda, chart, computer run information, microfilm, etc.), its present location and custodian, a description of its form, title, author/addresser, addressee,

indicated or blind copies, subject matter, volume and page number or other means of general identification, approximate size and number of pages, any attachments or appendices, and the date on which it was made or prepared.

12. "Identify," when used with reference to a person, shall mean to state the full name; present business address; job description or function of that person during the time period indicated by these requests for information; the relationship, if any, of that person to your company including title; and the person's supervisor.

13. "Notice" means any communication whether written, oral, or electronic.

14. "Person" means any natural person, firm, corporation, association, partnership, or other organization or form of legal entity.

15. "Retention" means a promotional offer or discount that is available to existing SWBT customers that have an offer from another service provider available to them and/or are considering switching their service to a competitor.

16. "Service provider" means a provider of local exchange service.

17. "SBC" means SBC Communications Inc. and all of SBC's subsidiaries, including Ameritech, Nevada Bell, Pacific Bell, SBC Telecom, SNET, Southwestern Bell, and Advanced Solutions, Inc.

18. "Time" shall mean a breakdown into the nearest applicable minutes, hours, and/or days.

19. "You," "your," "company," "your company," "the company," or "SWBT" as used herein refer to Southwestern Bell Telephone Company and includes all officers, agents, attorneys, employees, representatives, or consultants of SWBT.

20. "Winback" means a promotional offer or discount that is available to

former SWBT customers that voluntarily terminated their service and subscribe to the services of a competitor.

DATA REQUESTS

Data Request No. 1

Identify each of your Departments that is charged with winback and/or retention offers for Missouri and provide any documents concerning your winback and/or retention policies, practices, requirements, guidelines, and/or directives applicable to Missouri since January 1, 2000.

Data Request No. 2

For SWBT Missouri, identify the Department director for offers addressing:

- (a) residential winback;
- (b) residential retention;
- (c) business winback;
- (d) business retention; and
- (e) winback or retention of any end user not classified by SWBT as residential or business.

Data Request No. 3

For those Missouri exchanges in which SWBT is the incumbent local exchange carrier, explain how each Department receives internal (within your company) notice that an end user plans to migrate or is migrating to a competitor, hereinafter a Change Notice, and identify the Department (or other source) that originates each Change Notice.

Data Request No. 4

State the information contained in a Change Notice for an end user in Missouri, e.g., end user name, address, type of service, average monthly billing amount, name of competitor, and produce a sample of each format of Change Notice that you have used in Missouri since January 1, 2000.

Data Request No. 5

For each subpart below, identify each Department that has access to Change Notices regarding Missouri end users and for each such Department state the manner(s) in which it has such access and the time lapse between the origination of a Change Notice and the Department's ability to access a Change Notice:

- (a) if the end user is migrating from SWBT to any competitor;
- (b) if the end user is migrating from any competitor to another competitor; or
- (c) if the end user is migrating from any competitor to SWBT.

Data Request No. 6

For each subpart in Data Request No. 5, explain if:

- (a) SWBT provides the Change Notice to a competitor, and if so the manner(s) in which the competitor has access and the time lapse between the origination

- of the Change Notice and the availability of the Change Notice to a competitor;
- (b) SWBT does not provide the Change Notice to a competitor, and if not,, why not; and
 - (c) SWBT does not provide the Change Notice to a competitor, under what terms and conditions, if any, SWBT would provide the Change Notice to a competitor.

Data Request No. 7

Describe each winback and/or retention offer that SWBT has used in Missouri since January 1, 2000:

- (a) during the time between when it first learns that a customer is migrating to a competitor and the date the end user migrates to a competitor; and
- (b) after an end user migrates to a competitor.

Data Request No. 8

Provide a copy representative of each document mailed to Missouri customers by SWBT since January 1, 2000 in an effort to achieve:

- (a) winback of a residential end user;
- (b) retention of a residential end user;
- (c) winback of a business end user;
- (d) retention of a business end user; and
- (e) winback or retention of any other end user not classified by SWBT as residential or business.

Data Request No. 9

For any telephone number contained in any document responsive to Data Request No. 8, identify the Department receiving the telephone calls and provide a script and/or any other guidelines used by the SWBT personnel answering the calls.

Data Request No. 10

Produce all documents establishing, for each month since January 1, 2000, the total number of:

- (a) telephone calls received responsive to any mailing identified in Data Request No. 8;
- (b) residential winbacks resulting from the calls placed in response to any mailing identified in Data Request No. 8;
- (c) business winbacks resulting from the calls placed in response to any mailing identified in Data Request No. 8;
- (d) residential retentions resulting from the calls placed in response to any mailing identified in Data Request No. 8;
- (e) business retentions resulting from the calls placed in response to any mailing identified in Data Request No. 8; and
- (f) winbacks or retentions for any other end user not classified by SWBT as residential or business resulting from the calls placed in response to any mailing identified in Data Request No. 8.

Data Request No. 11

Produce a script of each voice mail left for and/or telephone call placed to Missouri customers by SWBT since January 1, 2000 in an effort to achieve:

- (a) winback of a residential end user;
- (b) retention of a residential end user;
- (c) winback of a business end user;
- (d) retention of a business end user; and
- (e) winback or retention of any other end user not classified by SWBT as residential or business.

Data Request No. 12

For any telephone number contained in any voice mail left and/or telephone call identified in response to Data Request No. 11, identify the Department receiving the telephone calls and provide a script and/or any other guidelines used by the SWBT personnel answering the calls.

Data Request No. 13

Produce all documents establishing, for each month since January 1, 2000, the total number of:

- (a) calls received responsive to any voice mail or telephone call identified in Data Request No. 11;
- (b) residential winbacks resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11;
- (c) business winbacks resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11;
- (d) residential retentions resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11;
- (e) business retentions resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11; and
- (f) winbacks or retentions for any other end user not classified by SWBT as residential or business resulting from the calls placed in response to any voice mail or telephone call identified in Data Request No. 11.

Data Request No. 14

Describe the procedure by which SWBT determines rates, terms, and conditions for winback and/or retention offers in Missouri, including whether:

- (a) SWBT's rates, terms, and conditions are based on a comparison with billing information from competitors' billing statements to end users; or
- (b) SWBT's rates, terms, and conditions are based on a comparison with rates, terms, and conditions paid by SWBT's current end users;
- (c) SWBT's rates, terms and conditions are all stated in published tariffs.

Produce any documents that establish SWBT's policy, practice, requirement, directive, and/or guideline for determining rates, terms, and conditions for winback and/or retention offers in Missouri since January 1, 2000, including documentation of any rates, terms and conditions that are not contained in published tariffs.

Data Request No. 15

Describe the procedure by which SWBT identifies a prospective recipient of a winback and/or retention offer in Missouri and produce any documents that establish SWBT's policy, practice, requirement, directive, and/or guideline for identifying such prospective recipients of a winback and/or retention offer.

Data Request No. 16

Describe any and all SWBT winback and/or retention marketing for Missouri end users that has been used since January 1, 2000 that was/is not triggered by a Change Notice and/or not directed to a specific end user's address and/or telephone number and produce any documents that establish SWBT's policy, practice, requirement, directive, and/or guideline for such marketing not triggered by a Change Notice and/or not directed to a specific end user's address and/or telephone number.

Data Request No. 17

Explain how SWBT's current winback and/or retention offers in Missouri differ from SWBT's current winback and/or retention offerings in:

- (a) Arkansas;
- (b) Kansas;
- (c) Oklahoma; and
- (d) Texas.

Data Request No. 18

Produce all documents that establish, for Missouri, by exchange for each month beginning with January 1, 2000, the number of end users for which SWBT originated or received a Change Notice:

- (a) but SWBT did not lose to a competitor; and
- (b) lost to a competitor but then regained the end users.

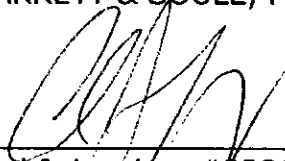
Data Request No. 19

If a Missouri end user responds to a SWBT voice mail advising that his/her/its service may have been changed without authorization and the end user returns to SWBT as a customer, explain any SWBT policy, practice, guideline, directive, and/or requirement that SWBT submit the information as an unauthorized change to a state or federal regulatory agency, such as the Missouri Public Service Commission or the Federal Communications Commission.

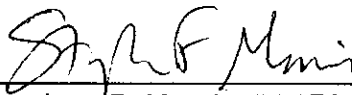
Data Request No. 20

State whether the winback letter attached as Exhibit A has been mailed to end users in Missouri in either the attached format or in a similar format. If the winback letter has been sent to Missouri end users, explain any differences in the rates, terms, or conditions for service or return-call telephone number.

CURTIS, OETTING, HEINZ,
GARRETT & SOULE, P.C.



Carl J. Lumley, #52869
Leland B. Curtis, #20550
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@cohgs.com
lcurtis@cohgs.com



Stephen F. Morris #14501600
WorldCom Communications
701 Brazos, Suite 600
Austin, Texas 78701
(512) 495-6721
(512) 477-3845 (FAX)
stephen.morris@wcom.com

Attorneys for Brooks Fiber Communications of Missouri, Inc.,
MCI metro Access Transmission Services, LLC, and
MCI WorldCom Communications, Inc.

Certificate of Service

A true and correct copy of the foregoing was faxed this 17 day of May, 2002, to:

Paul G. Lane
General Attorney-Missouri
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, Missouri 63101-1976
(314) 247-0014 (FAX)



May 28, 2002

RECEIVED
MAY 29 2002

Mr. Carl Lumley
Curtis, Oetting, Heinze, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105

Re: TT-2002-472 In the Matter of Southwestern Bell Telephone, L.P.'s
Tariff Filing to Initiate Residential Customer Winback Promotion

Re: TT-2002-473 In the Matter of Southwestern Bell Telephone, L.P.'s
Tariff Filing to Extend Business Customer Winback Promotion

Dear Carl:

I am in receipt of the data requests that you propounded on behalf of MCIWorldCom Communications, Inc., Brooks Fiber Communications, Inc., Brooks Fiber Communications of Missouri, Inc., and MCImetro Access Transmission Services, LLC ("WCOM"). Southwestern Bell Telephone, L.P.'s, d/b/a Southwestern Bell Telephone Company's ("SWBT") objections are as follows:

General Objections Applicable to All Data Requests

Certain of SWBT's objections are applicable to each data request WCOM propounded to SWBT. For the most efficient and organized presentation of these objections, SWBT respectfully submits the following objections that apply to all data requests:

1. To the extent that any information requested contains Highly Confidential and/or Proprietary information, SWBT will produce it pursuant to the terms of the Protective Order that the Missouri Public Service Commission ("the Commission") issued in this case.
2. SWBT objects to the production of any information and material related to its business operations outside of the state of Missouri. Because this docket is limited to a proposed tariff pertaining to business operations within the state of Missouri, information relating to operations beyond Missouri is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, is overbroad, and is unduly burdensome. See Rule 56.01(b)(1) of the Missouri Rules of Civil Procedure. Likewise, information from and about SWBT's parent and affiliates is similarly neither relevant nor calculated to lead to the discovery of admissible evidence, is overbroad, and is unduly burdensome.

3. SWBT objects to the extent that these data requests seek information that is privileged and is protected by the attorney/client privilege and/or the work product doctrine.
4. SWBT objects to each data request to the extent that each data request seeks documents that are already part of the public record before the Commission. SWBT will comply with the Missouri Public Service Commission's Practice and Procedure Rules ("Practice and Procedure Rules").
5. SWBT objects to each data request that requests information since January 1, 2000, as overly broad and unduly burdensome.

Objections to Definitions and Instructions

1. SWBT objects to WCOM's instructions and definitions to the extent they seek to impose obligations on SWBT in excess of those imposed by the applicable Rules. SWBT will respond to WCOM's data requests in compliance with the Practice and Procedure Rules and the Missouri Rules of Civil Procedure.
2. SWBT objects to WCOM's instruction that SWBT, for each answer, "identify at the end of each answer the person or person(s) most knowledgeable about the response and the person or person(s) responsible for preparation of each response" as the responses hereto are a collaborative effort. SWBT will identify the person or person(s) ultimately responsible for preparing each response.
3. SWBT objects to WCOM's instruction regarding documents about which SWBT claims a privilege as beyond the permissible scope of the Practice and Procedure Rules and the Missouri Rules of Civil Procedure. Specifically, without limiting the generality of the foregoing, SWBT objects to providing a statement, within five (5) days of serving its substantive responses to these data requests, setting forth as to each: (a) the type of document involved; (b) the date appearing on the document, or if none appears, the date on which the document was prepared; (c) the name of the person(s) to whom the document was addressed; (d) the name of the person(s) who signed the document or if not signed, the name of the person(s) who prepared it; and (e) the specific ground(s) upon which the claim of privilege rests.
4. SWBT objects to WCOM's instructions regarding information that is unavailable and a request to which SWBT cannot respond. WCOM improperly demands that SWBT rephrase data requests and/or answer data requests that were not asked. Neither the Practice and Procedure Rules nor the Missouri Rules of Civil Procedure impose such an obligation on the responding parties. Furthermore, these instructions are overly broad and unduly burdensome. SWBT will comply with the applicable Practice and Procedure Rules and the Missouri Rules of Civil Procedure.

5. SWBT objects to WCOM's instruction requesting that for each response to a data request, "state fully any exception(s) that apply" as vague and ambiguous.
6. SWBT objects to WCOM's definition of "concerning" as overly broad, unduly burdensome and beyond the permissible scope of the Practice and Procedure Rules and the Missouri Rules of Civil Procedure. WCOM improperly demands that SWBT rephrase data requests and/or answer data requests that were not asked.
7. SWBT objects to WCOM's definition of "document" to the extent that it improperly includes material "of which you have knowledge." Pursuant to Rule 58.01(a) of the Missouri Rules of Civil Procedure, any party may serve on another party a request to produce and permit the party making the request to inspect and copy any designated documents which are "in the possession, custody or control of the party upon whom the request is served." Knowledge of the existence of material is not the standard for production. Furthermore, to the extent that WCOM's definition requests SWBT to create a document or to reconstruct documents no longer in existence, the request is beyond the permissible scope of the Practice and Procedure Rules and the Missouri Rules of Civil Procedure, is overly broad, and impractical.
8. SWBT objects to WCOM's definition of "retention" as overly broad and unduly burdensome in that it would include every generally available promotional offer or discount.
9. SWBT objects to the definition of "you" and "your" to the extent that the definition includes SWBT's attorneys, employees, representatives or consultants. WCOM's definition is overly broad. SWBT also objects to the definition to the extent that it requests information from, or about, SWBT's attorneys and/or consultant experts. Such information is protected by the attorney/client privilege and/or the work product doctrine and is not discoverable.
10. SWBT objects to WCOM's definition of "winback" as overly broad and unduly burdensome in that it would include every generally available promotional offer or discount.
11. SWBT objects to WCOM's instruction regarding supplementation as exceeding SWBT's obligation under the Practice and Procedure Rules. SWBT will instead comply with the Practice and Procedure Rules.

Objections to Particular Data Requests

Data Request No. 1:

In addition to the above objections, SWBT objects to Data Request No. 1 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 1 to the extent that it: (1) seeks information regarding SWBT's affiliates and/or SWBT in states other than the state at issue here, Missouri; or (2) seeks information on policies, practices, requirements, guidelines and/or directives not associated with the tariffs proposed and at issue in this matter.

Data Request No. 2:

In addition to the above objections, SWBT objects to Data Request No. 2 on the basis that it is overly broad, unduly burdensome, and seeks information that it neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, this data request asks SWBT to identify the department director for offers that are not at issue in this proceeding. Without waiving its objection, SWBT will identify the director responsible for the tariff that is at issue in this proceeding.

Data Request No. 3:

In addition to its above objections, SWBT objects to Data Request No. 3 on the basis that it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 3 on the basis that it seeks information about matters not pertaining to the tariff that is at issue in this proceeding.

Data Request No. 4:

In addition to its above objections, SWBT specifically incorporates the objections asserted in response to Data Request No. 3.

Data Request No. 5:

In addition to the above objections, SWBT specifically incorporates the objections asserted in response to Data Request No. 3.

Data Request No. 6:

In addition to the above objections, SWBT specifically incorporates the objections asserted in response to Data Request No. 3.

Data Request No. 7:

In addition to the above objections, SWBT objects to Data Request No. 7 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, Data Request No. 7 seeks information regarding winback and/or retention offer(s) that are not associated with the tariff proposed and at issue in this case.

Data Request No. 8:

In addition to the above objections, SWBT objects to Data Request No. 8 in that it is overly broad, unduly burdensome, and it seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, Data Request No. 8 requests SWBT to provide a copy representative of each document mailed to its Missouri customers by SWBT since January 1, 2000 even though such documents may not be associated with the tariff that is proposed and at issue in this proceeding.

Data Request No. 9:

In addition to the above objections, SWBT objects to Data Request No. 9 on the basis that it is vague in referring to "department receiving the telephone calls", is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, Data Request No. 9 seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 10:

In addition to the above objections, SWBT objects to Data Request No. 10 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, Data Request No. 10 seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 11:

In addition to the above objections, SWBT objects to Data Request No. 11 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without

limiting the generality of the foregoing, Data Request No. 11 seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 12:

In addition to the above objections, SWBT objects to Data Request No. 12 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 12 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 13:

In addition to the above objections, SWBT objects to Data Request No. 13 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 13 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 14:

In addition to the above objections, SWBT objects to Data Request No. 14 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 14 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 15:

In addition to the above objections, SWBT objects to Data Request No. 15 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 15 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding. Without waiving these objections, SWBT will describe the procedure by which SWBT identifies a prospective recipient of the offers that are contained in the two tariffs that are at issue in this combined proceeding, and will produce documents related to the two tariffs that are at issue in this combined proceeding which contain SWBT's policy, practice, requirement, directive, and/or guideline for identifying the prospective recipients of the offers that are contained in the two tariffs that are at issue in this combined proceeding.

Data Request No. 16:

SWBT objects to Data Request No. 16 on the basis that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 16 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 17:

In addition to the above objections, SWBT objects to Data Request No. 17 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 17 on the basis that it: (a) seeks information regarding SWBT's affiliates and/or SWBT other than the state at issue here, Missouri; and (b) seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 18:

In addition to the above objections, SWBT objects to Data Request No. 18 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 18 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding.

Data Request No. 19:

In addition to the above objections, SWBT objects to Data Request No. 19 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limiting the generality of the foregoing, SWBT objects to Data Request No. 19 on the basis that it seeks information not associated with the tariff proposed and at issue in this proceeding. Additionally, SWBT objects to Data Request No. 19 in that WCOM is as aware of SWBT of the regulatory requirements of the Commission and the FCC.

Data Request No. 20:

In addition to the above objections, SWBT objects to Data Request No. 20 on the basis that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without waiving the generality of the foregoing, SWBT objects to Data Request No. 20 on the basis that it: (a) may seek information regarding SWBT's affiliates and/or SWBT other than the state at issue here, Missouri; and (b) may seek information not associated with the tariff proposed and at issue in this proceeding. Without waiving the foregoing

objections, SWBT will answer this data request to the extent that it requests SWBT to state whether the winback letter attached as Exhibit A has been mailed to end-users in Missouri with respect to the tariff that is at issue in this proceeding.

SWBT's objections are equally applicable in Case Nos. TT-2002-472 and TT-2002-473, as the data requests that WCOM propounded are identical in each of these proceedings. If you have any questions, please do not hesitate to contact me. I can be reached at (314)235-4094.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mimi B. MacDonald", written in a cursive style.

Mimi B. MacDonald