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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 15th
day of July, 1997.

MCI Telecommunications Corporation, Inc.,)	
et al.)	
)	
Complainants,)	
)	<u>Case No. TC-97-303</u>
vs.)	
)	
Southwestern Bell Telephone Company, Inc.,)	
)	
Respondent.)	

ORDER SETTING MOTIONS HEARING

On February 6, 1997, MCI Telecommunications Corporation, Inc. (MCI) and a number of other interexchange telecommunications companies filed a complaint against Southwestern Bell Telephone Company (SWBT) alleging that SWBT's intrastate switched access rates are excessive and should be reduced. The complaint alleged, *inter alia*, that SWBT's intrastate switched access rates were last set by this Commission in 1994 and that the Commission did not require a cost study to assess the reasonableness of those rates at that time. The complainants claim that SWBT's intrastate switched access minutes of use and resulting revenues from its intrastate switched access services have increased and that the amount of excess profits above the cost to provide the service has grown commensurate with the increased minutes of use. They contend that SWBT's existing intrastate rate design is unjust, unreasonable and unlawful and that the Commission should reduce SWBT's intrastate switched exchange access charges to their direct economic cost before SWBT is permitted to provide in-region long distance services in Missouri pursuant to Section 271 of the Federal Telecommunications Act of 1996, 47 U.S.C. § 251, et seq.

Although numerous motions remain pending, the Commission finds it may be unnecessary to address certain issues until the motions which call into question the Commission's jurisdiction in this case and other preliminary matters have been addressed. The Commission finds that the most efficient procedure is to convene a hearing on these issues.

The Commission will first entertain oral argument on whether there is jurisdiction to proceed with this complaint case. The initial inquiry is whether MCI and a sufficient number of co-complainants qualify to bring this case under Section 386.390.1, RSMo 1994.¹ A related issue is whether one entity such as MCI may bring a complaint under Sections 386.330 or 386.400. The parties should also address whether the Office of the Public Counsel (OPC), by concurring with the complaint, qualifies as a complainant pursuant to Sections 386.330 or 386.390.

After the parties have addressed the threshold questions regarding jurisdiction, the Commission will entertain argument on whether the proposed investigation sought by the complaint would constitute a single issue rate making.

Lastly, the parties should be prepared to address whether proceeding with this case necessitates an investigation by the Commission into the intrastate access rates of all telecommunications companies who provide such service in the State of Missouri or, in the alternative, whether the Commission may scrutinize one individual access provider at a time.

The Commission will not yet rule on those applications for intervention which are now pending in this case. However, the Commission will grant participation without intervention for purposes of this hearing

¹All citations are to the Missouri Revised Statutes 1994, unless otherwise noted.

to all parties whose applications for intervention were filed prior to the issuance of this order.

The Commission by this order will direct its staff to appear and make its independent recommendation as a party to this case.

IT IS THEREFORE ORDERED:

1. That all parties to this case shall appear to argue those motions which are now pending in this docket on July 29, 1997, at 1:30 p.m. in Room 520B of the Commission's offices in the Harry S. Truman Building.

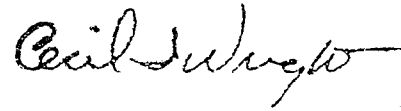
2. Anyone with special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

3. That any entity which has a motion for intervention pending but not yet granted in this case will be granted participation without intervention for the limited purposes of the hearing ordered in paragraph 1 above.

4. That any party wishing to raise other unresolved issues for potential argument at the motions hearing shall file their request to address any such unresolved issue. Any such request shall be filed not later than July 18, 1997, and shall state with specificity the issue to be addressed and the requested action.

5. That this order is effective on July 15, 1997.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Cecil I. Wright".

Cecil I. Wright
Executive Secretary

(S E A L)

Zobrist, Chm., Crumpton,
Lumpe, Murray and Drainer,
CC., Concur.

ALJ: Roberts