

Leo J. Bub
Senior Counsel

Southwestern Bell Telephone
One Bell Center
Room 3518
St. Louis, Missouri 63101
Phone 314 235-2508
Fax 314 247-0014



December 29, 1999

FILED

DEC 30 1999

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

**Missouri Public
Service Commission**

Re: Case No. TC - 2000-401

Dear Judge Roberts:

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

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

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

Very truly yours,

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

Leo J. Bub

Enclosure

cc: Attorneys of Record

FILED

DEC 30 1999

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Southwestern Bell Telephone Company's)
Complaint Against Goodman and Seneca)
Telephone Companies and Request for an)
Order Prohibiting Them from Cutting Off)
Southwestern Bell's 800 MaxiMizer Traffic.)

Missouri Public
Service Commission

Case No. TC - 2000 - 401

COMPLAINT

Southwestern Bell Telephone Company, pursuant to 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Goodman and Seneca Telephone Companies for violating a Commission Order and respectfully requests the Commission issue an order prohibiting Goodman and Seneca from cutting off Southwestern Bell's 800 MaxiMizer Traffic. In support of its Complaint, Southwestern Bell states:

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

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

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

3. Goodman and Seneca are Missouri corporations authorized to transact business within the State of Missouri with their principal office at Seneca, Missouri. Goodman and Seneca each is a "local exchange telecommunications company" and a "public utility," and duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in §386.020 RSMo (1994).

4. In its Report and Order terminating the PTC Plan, the Commission denied the request made by a small number of secondary carriers that all intrastate intraLATA toll traffic being transported in Missouri over FGC facilities be converted to FGD. See, In the Matter of an Investigation Concerning the Primary Toll Carrier Plan and IntraLATA Presubscription, Case No. TO-98-254, et al, Report and Order, issued June 10, 1999, at pp. 7-8.

5. In December, 1999, Southwestern Bell discovered that Goodman and Seneca were blocking calls from their exchanges to Southwestern Bell 800 MaxiMizer customers.

6. 800 MaxiMizer service is an intrastate, intraLATA toll service with reverse billing offered by Southwestern Bell. It allows end users throughout an 800 MaxiMizer subscriber's LATA to call that subscriber without incurring toll charges. Such charges are instead paid by the 800 MaxiMizer subscriber who receives the call. Until very recently, calls placed by customers in Goodman and Seneca's exchanges to a Southwestern Bell 800 MaxiMizer subscriber were handled over the LEC-to-LEC Feature Group (FG) C network.

7. The Commission has jurisdiction under Section 386.250(2) (1998 Supp.) over Southwestern Bell's 800 MaxiMizer service and Goodman and Seneca's intraLATA access service (through which this 800 service may be originated) as both are intrastate telecommunications services as defined by §386.020(53) and use telecommunications facilities as defined in §382.020(54). In addition, the Commission has jurisdiction here under Section

392.240(3) RSMo (1994) which provides for the connection of communications facilities between carriers.

8. Southwestern Bell requested Goodman and Seneca continue to route Southwestern Bell's 800 MaxiMizer calls over the existing FGC trunk groups (just like they had previously been) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Goodman and Seneca, however, would not agree to this request

9. Southwestern Bell, through its attorney, wrote Goodman and Seneca's attorney on December 14, 1999 asking that Southwestern Bell's 800 MaxiMizer traffic be restored. (A copy of this letter is appended to this complaint as Attachment 1.) Goodman and Seneca have refused.

10. Currently, an industry technical committee composed of large and small LECs in Missouri is considering how a number of technical issues should be handled from a network perspective once the PTC Plan is eliminated. Southwestern Bell has raised this 800 issue for discussion. Through their representatives, Goodman and Seneca have been participating in these meetings.

11. Goodman and Seneca's unilaterally cutting off calls to Southwestern Bell's 800 MaxiMizer customers unless Southwestern Bell converts it to FGD access is directly contrary to the Commission's Report and Order in Case No. TO-98-254, supra, in which the Commission ruled against the conversion to FGD.

12. There is no justification for Goodman and Seneca to cut off Southwestern Bell's 800 MaxiMizer traffic. Unlike terminating FGC intraLATA toll traffic (e.g., PTC to SC), Goodman and Seneca themselves have the information necessary to bill Southwestern Bell access charges on these calls. They will not have to rely on the records produced by another

carrier since these 800 calls will originate in their territory and they will be the ones creating the records, just like they did previously.

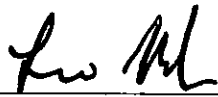
13. The specific facts set out in this Complaint are supported by the Affidavit of Joyce Dunlap, Area Manager-Industry Relations for Southwestern Bell Telephone Company who is responsible for managing relationship between Southwestern Bell and the various independent telephone companies throughout the State of Missouri (appended as Attachment 2).

WHEREFORE, Southwestern Bell respectfully requests the Commission to issue an order (1) finding that Goodman and Seneca's unilaterally cutting off Southwestern Bell's 800 MaxiMizer traffic violates the Commission's June 10, 1999 Report and Order in Case No. TO-99-254, et al., and (2) prohibiting Goodman and Seneca from cutting off calls from their exchanges to Southwestern Bell's MaxiMizer 800 customers that previously had been transported over FGC facilities.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

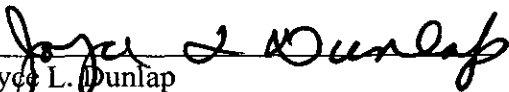
BY


PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
KATHERINE C. SWALLER #34271

Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101
314-235-2508 (Telephone)
314-247-0014 (Facsimile)

VERIFICATION

I hereby verify that the above facts are true to the best of my knowledge,
information and belief.



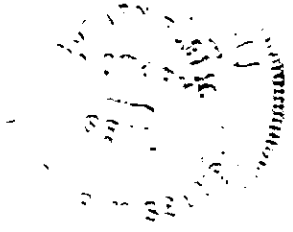
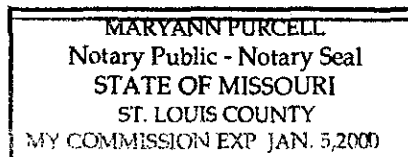
Joyce L. Dunlap
Area Manager-Industry Relations
Southwestern Bell Telephone Company

Subscribed and sworn to before me on this 29th day of December, 1999.



Notary Public

My Commission Expires: January 5, 2000





VIA FACSIMILE

December 14, 1999

Mr. William R. England III
Brydon, Swearingen & England
312 E. Capitol Avenue
Jefferson City, Missouri 65101

Dear Trip:

We have been advised by W. Jay Mitchell, Vice President of Seneca Telephone Company that it has unilaterally began blocking 800 calls from its exchanges to Southwestern Bell MaxiMizer 800 customers. Mr. Mitchell informed us that Seneca would only resume transporting these calls if Southwestern Bell ordered originating Feature Group D (FGD) 800 trunks from it.

We believe what Seneca has done is contrary to the Commission's decision in the PTC Plan case (TO-99-254) against requiring the conversion to FGD. Seneca's action is particularly inappropriate here since the reasons some SC's asserted during the PTC case for moving to FGD are not even present here. Unlike terminating FGC traffic (e.g., PTC to SC), Seneca will not have to rely on the records produced by another carrier since these 800 calls will originate in Seneca's territory and Seneca will be the one creating the originating records (just like it is doing today). And it is Seneca's record that forms the basis both for Southwestern Bell's billing to its 800 customers and Southwestern Bell's originating access payments to Seneca.

As Terry Miles of our Company discussed with Mr. Mitchell, there is no need to change the existing network arrangements. The trunks already in place are two way and can technically handle our originating 800 traffic. Apparently, Seneca has simply disabled these calls from going through by changing the translations in its switch. If Seneca has a need to free up capacity on its network for other uses, we certainly would be willing to work with Mr. Mitchell as we have done with other former SCs to achieve network efficiencies by rearranging the network in a mutually agreeable fashion. But unilaterally cutting off this traffic to force us to move to FGD facilities is inappropriate. Instead, we would like to suggest that we take up the issue at the next scheduled industry technical group conference call.

We would respectfully request that you discuss with Mr. Mitchell the actions Seneca has taken and the impact of its apparent decision not to comply with the Commission's order. We would like Seneca's assurance by Friday, December 17, 1999 that it will restore Southwestern Bell's 800 traffic and refrain from taking any action against this traffic until the network issues relating to this traffic have been resolved either at the industry technical committee or by the Commission. If we do not receive these assurances by the end of day on Friday, we will file a complaint with the Commission for Seneca's inappropriate refusal to transport this 800 traffic

Mr. William R. Englund

December 14, 1999

Page 2

and will seek to hold Seneca responsible for any damages caused by its refusal to comply with the Commission's order.

I trust that you appreciate the severity of this situation and are willing to help resolve it without Commission intervention.

Very truly yours.

A handwritten signature in black ink, appearing to read "Leo M.", written in a cursive style.

Leo J. Bub

cc: Mr. Terry Miles

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

Southwestern Bell Telephone Company's)
Complaint Against Goodman and Seneca)
Telephone Companies and Request for an) Case No. _____
Order Prohibiting Them from Cutting Off)
Southwestern Bell's 800 MaxiMizer Traffic.)

AFFIDAVIT OF JOYCE L. DUNLAP

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

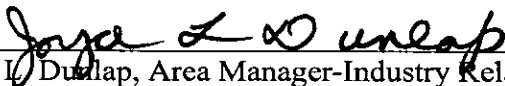
Before me, the Undersigned Authority, on the 29th day of December, 1999, personally appeared Joyce L. Dunlap, Area Manager-Industry Relations for Southwestern Bell Telephone Company in Missouri, who, upon being by me duly sworn on oath deposed and said the following:

1. My name is Joyce L. Dunlap. I am Area Manager-Industry Relations for Southwestern Bell Telephone Company. My address is One Bell Center, 36-L-04, St. Louis, Missouri 63101. I am responsible for managing the relationship between Southwestern Bell and the various independent telephone companies throughout the State of Missouri.
2. In December, 1999 we discovered that Goodman and Seneca Telephone Companies have been cutting off calls from their exchanges to Southwestern Bell 800 MaxiMizer subscribers. It is my understanding that these companies have made changes to their switch translations that prevent those calls from going through.
3. 800 MaxiMizer service is a reverse billing service offered by Southwestern Bell which allows end users throughout the 800 MaxiMizer subscriber's LATA to call that subscriber without incurring toll charges. Such charges are instead paid by the 800 MaxiMizer subscriber who receives the call.
4. Presently, calls placed by nearly all independent telephone company customers throughout the State of Missouri to a Southwestern Bell 800 MaxiMizer subscriber are handled over the LEC-to-LEC Feature Group (FG) C network. The only exception to my knowledge is the Chariton Valley, Mid-Missouri, and Goodman and Seneca Telephone exchanges where such calls are now being blocked.
5. Southwestern Bell spoke with Jay Mitchell of Goodman and Seneca and asked him to restore the traffic and to route these 800 MaxiMizer calls over the existing

FGC trunk groups (just like they had, until recently, been doing) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Mr. Mitchell told us that his companies would not agree to this request. He told us that they would not permit Southwestern Bell's 800 MaxiMizer calls to go through unless Southwestern Bell orders FGD access service from Goodman and Seneca for the provision of this type of service.

6. Currently, an industry technical committee composed of large and small LECs in Missouri is considering numerous technical issues arising from the PTC Plan's elimination. Southwestern Bell has raised this 800 issue for discussion. Through their representatives, Goodman and Seneca have been participating in these meetings.
7. Southwestern Bell through its attorney, wrote Goodman and Seneca on December 14, 1999 expressing serious concern that Goodman and Seneca unilaterally cut off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that they would restore the connection. To my knowledge, Goodman and Seneca have not reconsidered the actions they have taken and Southwestern Bell's 800 MaxiMizer traffic is still being blocked by them.

Further affiant sayeth not.



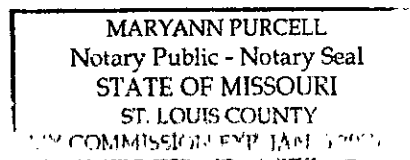
Joyce L. Durlap, Area Manager-Industry Relations
Southwestern Bell Telephone Company

Subscribed and sworn to before me this 29th day of December, 1999.



Notary Public

My Commission Expires: January 5, 2000



CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail this 30th day of December, 1999.



Leo J. Bub

DAN JOYCE
MISSOURI PUBLIC SERVICE
COMMISSION
301 W. HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65101

MICHAEL F. DANDINO
OFFICE OF THE PUBLIC COUNSEL
301 W. HIGH STREET, SUITE 250
JEFFERSON CITY, MO 65101

WILLIAM R. ENGLAND, III
BRYDON, SWEARENGEN & ENGLAND
PO BOX 456
JEFFERSON CITY, MO 65102