

Leo J. Bub
Senior Counsel

Southwestern Bell Telephone
One Bell Center
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St. Louis, Missouri 63101
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December 29, 1999

FILED

DEC 30 1999

**Missouri Public
Service Commission**

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

Re: Case No. TC-2000-402

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,


Leo J. Bub

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

DEC 30 1999

Southwestern Bell Telephone Company's)
Complaint Against Chariton Valley)
Telephone Corporation and Request for an)
Order Prohibiting Chariton Valley from)
Cutting Off Southwestern Bell's 800)
MaxiMizer Traffic.)

Missouri Public
Service Commission
Case No. TC - 2000-402

COMPLAINT

Southwestern Bell Telephone Company, pursuant to 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Chariton Valley Telephone Corporation for violating a Commission Order and respectfully requests the Commission issue an order prohibiting Chariton Valley 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. Chariton Valley is a Missouri corporation authorized to transact business within the State of Missouri with its principal office at P.O. Box 470, Bucklin, Missouri, 64631. Chariton Valley 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).

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. On August 11, 1999., Chariton Valley contacted Southwestern Bell and asked how Southwestern Bell wanted its 800 MaxiMizer calls routed since Chariton Valley had implemented intraLATA presubscription.

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 Chariton Valley customers 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 Chariton Valley'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 Chariton Valley continue to route Southwestern Bell's 800 MaxiMizer calls over the existing FGC trunk groups (just like it had previously been doing) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Chariton Valley, however, would not agree to this request and stated that unless Southwestern Bell orders FGD access service from Chariton Valley for provision of this type of service, Chariton Valley would, effective August 25, 1999, discontinue transporting Southwestern Bell's 800 MaxiMizer calls over the jointly provided FGC trunk group.

9. Southwestern Bell, through its attorney, wrote Chariton Valley's attorney on August 18, 1999 expressing concern over its plan to cut off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that Chariton Valley would refrain from taking this unilateral action. (A copy of this letter is appended to this complaint as Attachment 1.) In response Chariton Valley indicated that it would delay implementing its planned course of action until September 7, 1999. In December, 1999, Southwestern Bell learned that Chariton Valley had cut off all calls from its exchanges to Southwestern Bell's 800 MaxiMizer customers.

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 its representative, Chariton Valley has been participating in these meetings.

11. Chariton Valley's unilaterally cutting off calls to Southwestern Bell's 800 MaxiMizer service 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 Chariton Valley to cut off Southwestern Bell's 800 MaxiMizer traffic. Even the reasons Chariton Valley asserted in an attempt to support moving FGD are not present here. Unlike terminating FGC intraLATA toll traffic (e.g., PTC to SC), Chariton Valley itself has the information necessary to bill Southwestern Bell access charges on these calls. Chariton Valley will not have to rely on the records produced by another carrier since these 800 calls will originate in Chariton Valley's territory and Chariton Valley will be the ones creating the records, just like it 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 the 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 Chariton Valley'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 Chariton Valley from cutting off calls from its exchanges to Southwestern Bell's MaxiMizer 800 customers that previously had been transported over FGC facilities.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

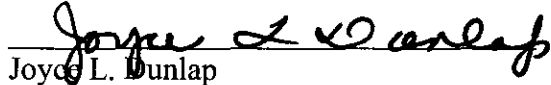
BY

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

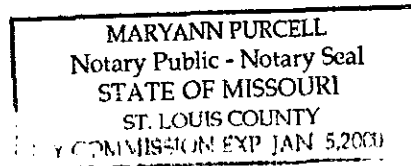
I hereby verify that the above facts are true to the best of my knowledge,
information and belief.


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



August 18, 1999

Mr. Craig S. Johnson
Andereck, Evans, Milne,
Peace & Baumhoer
305 E. McCarty, Third Floor
P.O. Box 1438
Jefferson City, Missouri 65102

Dear Craig:

I am writing to express our concern about your client Chariton Valley Telephone Company's plan to unilaterally cut off 800 calls to Southwestern Bell MaxiMizer 800 customers effective August 24, 1999. We have been informed by Chariton Valley that it would discontinue transporting these calls unless Southwestern Bell ordered Feature Group D (FGD) from it.

Chariton Valley's planned course of action is directly contrary to the Commission's decision in the PTC Plan case (TO-98-254) against requiring the conversion to FGD. We believe Chariton Valley's action is particularly egregious here since the reasons Chariton Valley asserted to support moving to FGD are not even present here. Unlike terminating FGC traffic (e.g., PTC to SC), Chariton Valley will have the information necessary to bill Southwestern Bell originating access charges on these calls. Chariton Valley will not have to rely on the records produced by another carrier since these 800 calls will originate in Chariton Valley's territory and Chariton Valley will be the one creating the records, just like it is doing today.


Moreover, we believe that it is improper for Chariton Valley to be taking unilateral action to cut off this traffic in view of the fact that the industry technical committee (in which Chariton Valley has actively been participating) is currently reviewing this issue and trying to form a consensus on how it should be handled. As Elmer Weiss of our Company suggested to Phil Harris of Chariton Valley, this traffic should remain on the jointly-provided FGC trunks consistent with the Commission's decision, subject to the resolution of the network issues pertaining to the PTC Plan's elimination.

We would respectfully request that you discuss with Chariton Valley its planned course of action and the impact of its apparent decision not to comply with the Commission's order. We would like Chariton Valley's assurance by Friday, August 20, 1999 that it will refrain from cutting off Southwestern Bell's 800 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 Friday, we will advise the Commission of Chariton Valley's intentions and seek an order requiring Chariton Valley to refrain from taking unilateral action against this 800 traffic. We would also like to advise that in the event Chariton Valley inappropriately refuses to transport this traffic, it is our intention to pursue a complaint and hold Chariton Valley responsible for any damages caused by its refusal to comply with the Commission's order.

Mr. Craig S. Johnson
August 18, 1999
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I trust that you appreciate the severity of this situation and are willing to help resolve it without Commission intervention.

Very truly yours.


Leo J. Bub

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

Southwestern Bell Telephone Company's)
Complaint Against Chariton Valley)
Telephone Corporation and Request for an) Case No. _____
Order Prohibiting Chariton Valley 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. On August 11, 1999, we received a call from Phil Harris of Chariton Valley Telephone Corporation asking how Southwestern Bell wanted its 800 MaxiMizer calls routed since Chariton Valley had implemented intraLATA presubscription. 800 MaxiMizer service is a intrastate intraLATA toll service with reverse billing offered by Southwestern Bell. It 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. Until very recently, calls placed by Chariton Valley's customers to a Southwestern Bell 800 MaxiMizer subscriber were handled over the LEC-to-LEC Feature Group (FG) C facilities.
3. Later in the day on August 11, 1999, Southwestern Bell asked Chariton Valley to continue to route theses 800 MaxiMizer calls over the existing FGC trunk groups (just like they had been doing) until the networking issues pertaining to the PTC Plan's elimination have been resolved. Mr. Harris would not agree to this request. He indicated that unless Southwestern Bell orders FGD access service from Chariton Valley for the provision of this type of service, Chariton Valley would, effective August 24, 1999, discontinue transporting Southwestern Bell's 800 MaxiMizer calls over the jointly provided FGC trunk group.

4. 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 its representative, Chariton Valley has been participating in these meetings.
5. Southwestern Bell through its attorney, wrote Chariton Valley on August 18, 1999 expressing concern over its plan to cut off Southwestern Bell's 800 MaxiMizer traffic and seeking assurances that Chariton Valley would refrain from taking this unilateral action. In response, Chariton Valley indicated that it would delay implementing its planned course of action until September 7, 1999.
6. In December 1999, Southwestern Bell discovered that Chariton Valley had cut off calls from its exchanges to Southwestern Bell MaxiMizer 800 subscribers.

Further affiant sayeth not.



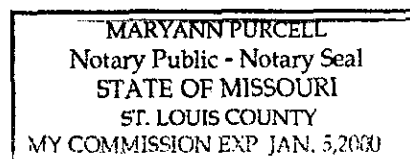
Joyce L. Dunkin, Area Manager-Industry Relations
Southwestern Bell Telephone Company

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
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OFFICE OF THE PUBLIC COUNSEL
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