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July 14, 2003

FILED²

JUL 14 2003

Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Tariff Filing No. 200001065

Dear Judge Roberts:

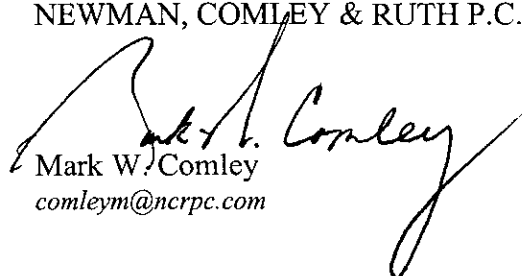
Please find enclosed for filing in the referenced matter the original and five copies of The Heart of America United Way, Inc.'s Motion to Suspend and Application to Intervene.

Please bring this filing to the attention of the appropriate Commission personnel. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Southwestern Bell Telephone Co.
W. Thomas Dugard, Jr.

FILED²

JUL 14 2003

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the matter of Southwestern Bell Telephone)
L.P. d/b/a SBC Missouri's Proposed Revision)
to Section 29 of its General Exchange Tariff,) Case No. _____
PSC Mo.-No. 35, Regarding 211 Service) Tariff Filing No. 200001065

THE HEART OF AMERICA UNITED WAY, INC.'S
MOTION TO SUSPEND AND APPLICATION TO INTERVENE

Comes now The Heart of America United Way, Inc. (hereinafter "HAUW" or "Applicant") by and through its attorneys, pursuant to Section 392.230.3, RSMo. 2000, and 4 CSR 240-2.075, and moves the Commission to suspend Southwestern Bell Telephone L.P., d/b/a SBC Missouri's (SBC) proposed addition to its General Exchange Tariff regarding the provision of 211 abbreviated dialing code service. In support HAUW states the following to the Commission:

1. The Heart of America United Way, Inc. is a nonprofit corporation organized and existing under the laws of the State of Missouri. Attached as Exhibit 1 is a copy of a Certificate of Good Standing for HAUW issued by the Missouri Secretary of State.
2. HAUW is a Missouri non-profit organization organized and operated to conduct community-wide fundraising efforts; allocate financial resources to member health and human service organizations; and connect citizens to service and volunteer opportunities.
3. Questions or inquiries concerning this Application may be directed to:

Mark W. Comley
NEWMAN, COMLEY & RUTH P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266 (Tel)
(573) 636-3306 (Fax)

and,

W. Thomas Dugard, Jr., President
Heart of America United Way
1080 Washington Street
Kansas City, MO 65105-2249
(816) 474-5111 ext. 301 (Tel)
(816) 472-6623 (Fax)
tomdugard@hauw.org

4. On or about June 20, 2003, SBC, a telephone company regulated by this Commission, filed proposed revisions to its general exchange tariff, P.S.C. Mo.-No. 35, allowing for the introduction of 211 service. The tariffs bear an effective date of July 20, 2003, but the effective date has been extended to July 27, 2003 by agreement.

5. The Commission Staff has reviewed the proposed revision and has submitted a recommendation.

6. SBC's proposed tariff revision is attached to this motion as Appendix A.

7. It is HAUW's belief and contention that SBC's rates for 211 Service as set out on Appendix A are unjust and unreasonable, and the proposal should be suspended, further investigated and subjected to a hearing before the Commission.

8. On Friday, July 11, 2003, HAUW filed an application before the Commission (the 211 Application) seeking the Commission's order officially designating 2-1-1 in Missouri for access to community information and referral (I & R) and volunteer services in accordance with the Federal Communications Commission's decision in its Third Report and Order on Reconsideration released on July 31, 2000 in CC Docket 92-105. In that application, HAUW seeks an order designating HAUW as the holder for the 2-1-1 number to service areas in the exchanges located in the counties of Andrew, Buchanan, Dekalb, Clinton, Caldwell, Platte, Clay, Ray, Jackson, Lafayette, Cass, Johnson, Saline, Pettis, Bates and Henry, to pilot the 2-1-1

system, with the opportunity in the future to support and service additional counties. HAUW's application also proposes a pilot program for purposes of introduction of 211 in Missouri.

9. As far as is known at this time, HAUW is 1) the only charitable organization that is actively interested in the implementation of 211 in Missouri; and 2) one of only a few organizations that has qualified staff to operate a 211 center in a manner dedicated to public service. HAUW does not anticipate that any other organization will file this year for the authority sought in the 211 Application, or for authority in any other part of the state of Missouri.

10. In Appendix A, SBC has proposed the following nonrecurring charges for 211:

Per Host, Stand-alone or Remote Central Office Equipped	\$800.00
211 Table Changes Per Customer Requested Change(s) Per System	238.00

11. SBC's nonrecurring "Per Host" rate is exorbitant when compared with the rate charged in other states for the same service. In Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, and South Carolina, Bell South charges \$389.90 for the same service. In Colorado, Idaho, Minnesota, New Mexico, Oregon, Utah and Wyoming, Qwest charges \$300.00 for the same service. In Texas, SBC charges only \$400 for this service, exactly half what it proposes in Missouri. Although there may be differences between SBC's costs in Texas and its costs in Missouri, the Commission should fully investigate whether in this instance they are twice as much.¹ If the Commission allows the tariff to go into effect, SBC's "Per Host" nonrecurring rate will be one of the highest in the nation.

12. Suspending SBC's rates is further justified in that setting the rates for 211 service is a crucial point in the development of information and referral services through use of this

¹ HAUW understands that SBC supplied the Commission staff with purported cost support for its tariff proposals but those studies are confidential and have not been released to the public or HAUW.

convenient abbreviated dialing code. In the 211 Application, HAUW proposes to anchor the service in exchanges that are in the service territories of local exchange companies other than SBC. HAUW has asked the Commission to invite those companies to participate in the 211 Application process in an effort to create the floor for a well architected 211 program in the sixteen county area proposed therein. HAUW submits that there is no urgency in approving SBC's rate request. During the course of the 211 Application, the costs of all companies that may be involved in the pilot program, including SBC's costs, can be analyzed. The rates generated from that analysis can be judged and approved without detriment to the public interest.

13. Moreover, the Commission is considering the commencement of a rulemaking proceeding by which to explore provisions that would set qualifications for potential customers of 211 services offered by telephone companies in Missouri. The Commission's resources would be more efficiently utilized (and conserved) if the 211 Application, SBC's rate proposal and the rulemaking were to proceed in parallel.

14. Finally, for all practical purposes this may be the only occasion when HAUW can seek a hearing before this Commission about SBC's proposed 211 rates. First, the Commission has recently ruled that complaints about the lawfulness or reasonableness of rates that are approved by the Commission with or without a hearing are "collateral actions," and are therefore barred by Section 386.550, RSMo 2000.² Unless the Commission's ruling is overturned, HAUW and like complainants must plead a "substantial change in circumstances" in the complaint to overcome the bar of Section 386.550. Such a substantial change may be the passing of time. HAUW submits that this is an infant program and HAUW expects to offer it without charge to those who dial 211. If SBC is allowed to charge an unjust rate for 211 service, about which

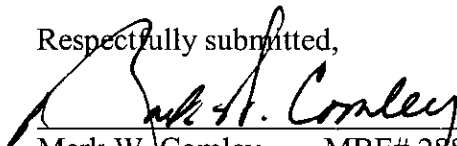
² *Tari Christ, d/b/a ANJ Communications, et al. v. Southwestern Bell Telephone Company, L.P., d/b/a Southwestern Bell Telephone Company; et al.*, Case No. TC-2003-0066. The matter is on review before the Circuit Court of Cole County in Case No. 03CV323550.

HAUW or some other qualified entity could not complain for a long period of time, the information and referral service HAUW expects to offer would be unfairly impeded in its growth or scope, if not discontinued; all at the sacrifice of the public interest. Second, Section 386.390.1 requires a minimum of twenty-five customers to bring a complaint about the lawfulness or reasonableness of approved utility rates. Even if HAUW were to pass the “substantial circumstance” hurdle, it is highly unlikely that there will ever be twenty-five separate and qualified customers of 211 services in Missouri. If the Commission allows SBC’s tariff to go into effect, it will create a virtual “complaint proof” tariff. In sum, these are compelling reasons for the Commission to suspend the tariff for investigation and hearing at this time.

15. The abbreviated dialing code 2-1-1 has every potential of being the means to deliver a better and more efficient information and referral system. Because the importance of 211 service is so high, and the risk of jeopardizing its future by the imposition of hastily approved rates is so great, HAUW is appealing to the Commission to suspend SBC’s proposed tariffs for comprehensive review and scrutiny under the Commission’s regular hearing procedures. It is an appropriate and timely safeguard at this stage of 211 implementation in Missouri, and is fully consistent with the interest of the public.

WHEREFORE, based upon the foregoing, HAUW respectfully requests that the Commission reject the SBC 211 tariffs, suspend the same, enter upon an investigation of the tariffs, and hold a hearing on the reasonableness and justness thereof, granting HAUW intervention therein and the right to fully participate at hearing.

Respectfully submitted,

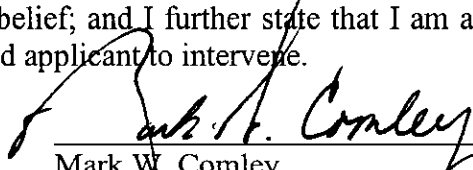

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Attorneys for Heart of America United Way, Inc.

ATTORNEY VERIFICATION

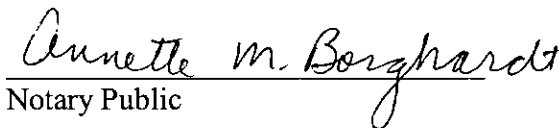
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

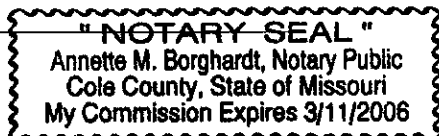
I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for The Heart of America United Way, Inc. which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.


Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 14th day of July, 2003.

My Commission expires:


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of July, 2003, a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivery, to:

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

General Counsel's Office
P.O. Box 360
Jefferson City, MO 65102

Southwestern Bell Telephone Co.
Legal Dept.,
One Bell Center
St. Louis, MO 63101

Mark W. Comley

EXHIBIT 1

STATE OF MISSOURI



Matt Blunt
Secretary of State


CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

I, MATT BLUNT, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

THE HEART OF AMERICA UNITED WAY, INC.
N00007521

was created under the laws of this State on the 3rd day of June, 1967, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and an imprinted the GREAT SEAL of the State of Missouri, on this, the 11th day of July, 2003


Secretary of State



Certification Number: 5942345-1 Page 1 of 1 Reference:
Verify this certificate online at <http://www.sos.state.mo.us/businessentity/verification>

APPENDIX A

No Supplement to this
tariff will be issued
except for the purpose
of canceling this tariff.

General Exchange Tariff
Table of Contents
20th Revised Sheet 2
Replacing 19th Revised Sheet 2

TABLE OF CONTENTS

SECTION

	20	SERVICE LINE SERVICE
	21	RESERVED
	22	SUSPENSION OF SERVICE
	23	TELEPHONE ANSWERING AND SECRETARIAL SERVICE
	24	TOUCH-TONE CALLING SERVICE
	25	PLEXAR®-I
	26	VACANT
	27	PUBLIC RESPONSE CALLING SERVICE
	28	EXPANDED UNIVERSAL EMERGENCY NUMBER SERVICE (E911)
(CT)	29	SBC 211
	30	EMBEDDED COMPLEX INSIDE WIRE
	31	WIRELESS 911 SERVICE
	32	VACANT
	33	PLEXAR®-CUSTOM SERVICE
	34	PAYPHONE EXCHANGE ACCESS SERVICE
	35	VACANT

® Registered Trademark of Southwestern Bell Telephone Company

Issued: June 20, 2003

Effective: July 20, 2003

By CINDY BRINKLEY, President-SBC Missouri
Southwestern Bell Telephone, L.P., d/b/a SBC Missouri
St. Louis, Missouri

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General Exchange Tariff
Table of Contents
5th Revised Sheet 3
Replacing 4th Revised Sheet 3

TABLE OF CONTENTS

<u>SECTION</u>	
(MT) 36	PUBLIC TELEPHONE CARD READER SERVICE
37	SHARED TENANT SERVICE (STS) ARRANGEMENTS
38	DIGITAL PBX SERVICE
39	VACANT
40	VACANT
41	VACANT
(MT) 42	EXCHANGE INTERCONNECTION SERVICE
43	VACANT
44	EASYOPTIONS® PACKAGES
45	PLEXAR®-II SERVICE
46	EMERGENCY SERVICES NETWORK
47	EASYOPTIONS® SERVICES
48	LOCAL PLUS®
49	AREAWIDE NETWORKING
50	ADVANCED INTELLIGENT NETWORK
51	INTELLINUMBER SM SERVICE
52	PLEXAR® EXPRESS
53	PAYMENT PLANS
54	SOUTHWESTERN BELL COMPLETE LINK
55	SOUTHWESTERN BELL SIMPLELINK

SM Service Mark of Southwestern Bell Telephone Company

® Registered Trademark of Southwestern Bell Telephone Company

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General Exchange Tariff
INDEX
6th Revised Sheet 8
Replacing 5th Revised Sheet 8

	<u>Section</u>	<u>Sheet</u>
Rotary Number Group-Extra Listings	6	9
Rules and Regulations	17	
- Advance Payments and Deposits	17	
- Advance Payments	17	4
- Deposits	17	6
- Application of Service	17	1
- Application of Business and Residence Rates	17	2
- Business Rates	17	2
- Residence Rates	17	3
- Liability of the Telephone Company	17	20
- Defacement of Premises	17	20
- Errors	17	20
- Indemnification	17	21
- Interruption of Service	17	20
- Obligations of Customers and Rights of the Telephone Company	17	16
- Obligations of Customers	17	16
- Alterations	17	16
- Commercial Power, Use of	17	16
- Maintenance and Repairs	17	16
- Rearrangements on Installation of Equipment	17	16
- Rights of the Telephone Company	17	16.01
- Abandonment of Telephone Service	17	17
- Abuse of Telephone Service	17	17
- Customers' Use of Equipment for Display Purposes	17	17
- Directory Distribution	17	18
- Directory Ownership	17	18
- Impairment of Telephone Service	17	17
- Overtime Work	17	16.01
- Ownership	17	16.01
- Telephone Numbers	17	18
- Unauthorized Attachments or Connections	17	19
(MT) - Work Interruption	17	16.01
- Payments for Service	17	12.01
- Protective Equipment	17	19
- Record of Previous Accounts	17	9
(MT) - Rules and Regulations Applying to All Customers' Contracts	17	1

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General Exchange Tariff
INDEX
11th Revised Sheet 9
Replacing 10th Revised Sheet 9

	<u>Section</u>	<u>Sheet</u>
(MT) Rules and Regulations (cont'd)	17	
(MT)		
- Selective Calling Forwarding	47	5
- Simultaneous Call Forwarding	47	28
- Special Service Arrangements	17	28
- Special Taxes, Fees and Charges	17	26
- Speed Calling	47	3
- Termination of Contracts	17	22
- After Expiration of Minimum Term	17	25
- Cancellation of Application for Service	17	22
- Contractual Agreements	17	25
- During Minimum Terms	17	24
- General Provisions	17	25
- Three-Way Calling	47	3
- Transfer of Contracts	17	22
- Use of Service and Facilities	17	9
- Customer Service	17	9
- Lines of Other Companies	17	12
- Paralleling Service	17	10
- Transmitting Messages	17	11
- Unauthorized Attachments or Connections	17	12
(AT) SBC 211	29	1
School Listing Guide, Special	6	9
Selective Call Forwarding	47	5
Secretarial Listings	6	8
Service Connection Charges	19	
- Service Charges	19	1
- General	19	1
- Nonapplication of	19	7
- Travel Charge	19	6
- Installment Billing	19	1
- Service and Equipment Charge	19	2
- Charges	19	2
- Description	19	2
- Regulations	19	2

Issued: June 20, 2003

Effective: July 20, 2003

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Southwestern Bell Telephone, L.P., d/b/a SBC Missouri
St. Louis, Missouri

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General Exchange Tariff
Section 29
4th Revised Sheet 1
Replacing 3rd Revised Sheet 1

(CT)

SBC 211

(AT) 29.1 DESCRIPTION

SBC 211 (211) allows end users to reach the 211 service provider (customer) by dialing an abbreviated telephone number, two-one-one (2-1-1).

211 is an intelligent routing service that determines the central office serving the calling party, converts the 211 dialed digits to a Routing Telephone Number (RTN) and then uses the RTN to complete the call over the Public Switched Telephone Network (PSTN) to a call center designated by the 211 customer.

211 is an optional service that may be purchased only by information and referral providers as ordered in the FCC's Third Report and Order in CC Docket No. 92-105 (Released July 31, 2001).

211 is offered subject to the availability of facilities and will be provided in each central office on a first-come, first-served basis to the first information and referral provider to request the service from SBC. If the Commission establishes a different procedure for determining the 211 customer in the future, SBC will follow that procedure. If facilities are not available to meet such a request, the Company will modify facilities as reasonably necessary to provide 211 service to the customer as required in the above referenced FCC order.

29.2 TERMS AND CONDITIONS

- A. The Company and the customer will negotiate the due date(s) for 211. The customer must *provide a copy of its letter notifying the Commission of its intention to serve its proposed service area(s)* prior to the establishment of the due date(s). A minimum service period of one month applies to this service.
- B. Typically there can be only one 211 customer for each stand-alone, host, or remote central office serving area (the "211 service area"). This assures that 211 calls from an end user located within a 211 service area can be routed to a unique 211 call center. Normally the Company will route calls based on the serving central office. If a central office serves one or more remote central offices or multiple states, the Company will route the 211 calls based on the originating NPA-NXX. The Company will default route calls to one of the customer's RTNs if the Company is unable to route based on the serving central office or originating NPA-NXX.
- C. When establishing a call center, the customer is responsible for informing all local exchange service providers operating within the 211 service area of the establishment of such a call center.

(AT)

Issued: June 20, 2003

Effective: July 20, 2003

By CINDY BRINKLEY, President-SBC Missouri
Southwestern Bell Telephone, L.P., d/b/a SBC Missouri
St. Louis, Missouri

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General Exchange Tariff
Section 29
1st Revised Sheet 1.01
Replacing Original Sheet 1.01

(CT)

SBC 211

(AT)

29.2 TERMS AND CONDITIONS (cont'd)

- D. Only calls originating within an operational 211 service area will be routed to a call center. End users dialing 211 outside operational 211 service areas will receive a recorded message that the call cannot be completed as dialed.
- E. The 211 customer may designate only one Routing Telephone Number (RTN) per 211 service area but may designate different RTNs for different 211 service areas as described below. The RTN must be a toll-free 800 telephone number for central offices outside of the 211 call center's local service area.
 - If the customer utilizes more than one 211 RTN, it must designate the specific stand-alone, host or remote central office(s) to be served by each RTN.
 - Normally only one RTN can serve a stand-alone, host or remote central office serving area.
 - 211 calls are not permitted where local calling is restricted (e.g., prisons).

The Company will route 211 calls originating from end users on its local exchange network whether the end users purchase service directly from the Company or from another Local Exchange Carrier (LEC) reselling the Company's service.

- F. 211 Service is provided solely for the benefit of the customer; the provision of such service shall not be interpreted, construed or regarded as being for the benefit of or creating any obligation toward, or any right of action on behalf of, any third person or other legal entity.
- G. The Company will make every effort to route 211 calls to the appropriate calling center; however, it will not be held responsible for routing mistakes and errors.
- H. In addition to the terms and conditions stated in this tariff, all Rules and Regulations stated in Section 17 of this tariff also apply.

29.3 APPLICATION OF RATES AND CHARGES

Monthly rates and nonrecurring charges apply for 211. These rates and charges are specified in paragraph 29.4, following.

When the customer chooses an RTN that is a toll free 800 telephone number as described in 29.2 E above, the rates and charges for toll-free 800 service (provided by the Company or another service provider) apply as provided in the tariff of the applicable service provider.

(AT)

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Southwestern Bell Telephone, L.P., d/b/a SBC Missouri
St. Louis, Missouri

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SBC 211

29.4 RATES AND CHARGES

	<u>USOC</u>	<u>Monthly Rate</u>	<u>Nonrecurring Charge</u>
SBC 211 Per System(1)	2D2	\$35.00	---
Per Host, Stand-alone or Remote Central Office Equipped	2CHCO	---	\$800.00
211 Table Changes Per Customer Requested Change(s) Per System	REAL5	---	238.00

- (1) A system is a grouping of multiple stand-alone, host and/or remote central offices serving a Missouri geographic area as designated by the Company.

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