

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of Southwestern)	
Bell Telephone Co., d/b/a SBC Filing Tariff)	
Revisions to Suspend Billing and Collection)	Case No. TT-2004-0120
Services for a Customer if the Customer is in)	
Breach of Any Other Agreement between the)	Tariff No.: JI-2004-0176
Parties.		

MCI WORLDCOM COMMUNICATIONS, INC.'S
MOTION TO SUSPEND OR REJECT PROPOSED TARIFF SHEETS

COMES NOW MCI WorldCom Communications, Inc. ("MCI"), pursuant to Sections 392.200 and 392.230 R.S.Mo. and 4 CSR 240-2.065 and moves the Commission to suspend or reject Southwestern Bell Telephone Company's d/b/a SBC Missouri ("SBC") proposed tariff sheets filed under tracking number JI-2004-0176, on or about August 13, 2003 (a copy of the tariff filing is attached per 4 CSR 240-2.065(3)). In support of its motion, MCI states:

1. MCI is a competitive telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Delaware and authorized to do business in the State of Missouri as a foreign corporation. Its principal regulatory offices are located at 701 Brazos, Suite 600, Austin, Texas 78701. MCI is an authorized provider of intrastate local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission. MCI is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

2. All communications and pleadings in this case should be directed to:

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Notices, correspondence, communications, orders, decisions, and other papers may be served upon MCI's attorneys and such service shall be deemed to be service upon MCI in this matter.

3. SBC is a corporation organized and existing under the laws of the State of Missouri and is a public utility subject to the jurisdiction of the Commission that provides certain telecommunications services in its service area within the State of Missouri under authority granted and tariffs approved by the Commission. It has offices at One Bell Center, St. Louis, Missouri 63101.

4. On or about August 13, 2003, SBC filed its proposed tariff sheets requesting that it be allowed to suspend billing and collection services and/or retain money owed by it to a billing and collection customer for a variety of reasons, including any alleged or fabricated breach of any agreement regarding any subject or service SBC may have with the customer or any entity affiliated with the customer, or due to any monies purportedly owed to SBC (or to be owed in the future) by the customer or any entity affiliated with the customer. The tariff filing

stated a proposed effective date of September 12, 2003. SBC has requested that the effective date be extended to September 26, 2003.

5. The Commission should reject, or alternatively suspend and investigate SBC's proposed tariff sheets, because SBC's proposed tariff sheets are unreasonable, unjust and illegal. The tariffs sheets propose unilateral changes to relationships that are bilateral in nature, purporting to alter the terms and conditions of any and all agreements between SBC and its customers. Such action violates the provisions of federal law regarding interconnection agreements (such as Section 252), state law regarding tariff changes (i.e. attempting to implicitly rather than explicitly revise other tariffs), as well as common law contract principles. The tariff sheets propose unreasonably ambiguous notice of unilateral self-help actions, and unreasonably ambiguous grounds for such self-help. The proposed tariff sheets illegally purport to make one legal entity liable for the obligations of another, including purported future obligations. The proposed tariff sheets illegally purport to override lawfully established security interests and otherwise unilaterally establish claim priority. As Sprint and AT&T argue in their Motions to Suspend, antitrust and other public interest concerns also requires suspension/rejection of the proposed tariff sheets.

6. MCI requests that the Commission either reject the proposed tariff sheets or in the alternative to suspend them for investigation. MCI further suggests that the Commission set an intervention deadline and prehearing conference, so that all parties can develop a proposed procedural schedule.

WHEREFORE, MCI WorldCom Communications, Inc., moves the Commission: (1) to reject, or alternatively suspend SBC's proposed tariff filing number JI-2004-0176; (2) to set an intervention deadline and prehearing conference for the purposes of developing a proposed

procedural schedule; and (3) to grant such other and further relief to MCI as the Commission deems necessary and proper.

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

/s/ Carl J. Lumley

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Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 11th day of September, 2003, by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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