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December 23, 1998

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

Re: Case No. TO-99-227

FILED
DEC 23 1998
Missouri Public
Service Commission

Dear Judge Roberts:

Attached for filing with the Commission is the original and fifteen (15) copies of AT&T Communications of the Southwest, Inc., TCG St. Louis, Inc. an AT&T Company (hereafter collectively "AT&T"), Sprint Communications Company LL.P.'s ("Sprint") and MCI Telecommunications Corporation's, a MCI WorldCom Company ("MCI") Motion To Modify Procedural Schedule in the above referenced case.

Please call me on 635-1320 if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Paul S. DeFord (Kd)

Paul S. DeFord
AT&T

Enc.

cc: All Parties of Record

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

FILED

DEC 23 1998

Missouri Public
Service Commission

Application of Southwestern Bell Telephone)
Company to Provide Notice of Intent to File an)
Application for Authorization to Provide In-Region)
InterLATA Services Originating in Missouri)
Pursuant to Section 271 of the Telecommunications)
Act of 1996)

Case No. TO 99-227

MOTION TO MODIFY PROCEDURAL SCHEDULE

COMES NOW AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.,
TCG ST. LOUIS, INC., an AT&T company, TCG KANSAS CITY, INC., an AT&T
Company, (hereafter collectively "AT&T"), SPRINT COMMUNICATIONS, LL.P.,
("Sprint") and MCI TELECOMMUNICATIONS CORPORATION, a MCI WorldCom
Company ("MCI") and files this Motion to Modify Procedural Schedule and in support
whereof would show as follows:

1. On the afternoon of November 20, 1998, SWBT filed a draft of its
application for interLATA authority with the MoPSC. SWBT did not file the draft
application in the previously established docket, Case No. TO-97-56, nor did it provide
notice of its filing to the parties in Case No. TO-97-56 as required by the MoPSC's
September 25, 1997 Order. SWBT's tactics effectively delayed interested parties'
opportunity to review SWBT's filing.

2. On December 9, 1998, the Missouri Public Service Commission (MoPSC)
entered an order establishing a procedural schedule. Pursuant to that Order, the MoPSC
established a January 7, 1999 date for filing rebuttal testimony, and a January 15, 1999

date for filing surrebuttal testimony. Hearings were set for the weeks of February 1-5 and 8-11, 1999.

3. On December 15, 1998, Office of the Public Counsel filed a Motion to Modify the Procedural Schedule. Public Counsel cited the importance of this case and the technical nature of the issues involved in urging the MoPSC to modify its procedural schedule to assure that the parties had adequate time to prepare a full and complete evidentiary record, after allowing sufficient time for discovery and for analysis of SWBT's November 20 "filing." Public Counsel expressed special concerns regarding the early date established for the filing of rebuttal testimony.

4. AT&T, MCI and Sprint share in the concerns raised by Public Counsel in its Motion to Modify. The Commission's Procedural Schedule allows intervenors less than 30 calendar days, and only 18 business days, to prepare a response. Fully half of that time is over the Christmas and New Year's holidays. SWBT had unlimited time to prepare its direct testimony, and timed its filing to maximum effect so that intervenors and the Commission would be forced to try and round up witnesses and prepare testimony over the holidays.

5. Given the 120-day advance notice period, which both Staff and Public Counsel correctly note is not binding on this Commission, there simply is no need for the rush contemplated by the Commission's schedule. Accordingly, AT&T, MCI and Sprint support the Motion to Modify Procedural Schedule filed by Public Counsel. However, AT&T, MCI and Sprint recognize that the Commission might wish to try and conclude this proceeding within the 120-day window. The Commission could allow intervenors sufficient time to prepare rebuttal testimony, and still comply with the 120-day advance

notice period previously ordered in Case No. TO-97-56. AT&T, MCI and Sprint suggest that such a procedural schedule could comply with the following deadlines:

December 2, 1998 (120 days prior to SWBT filing an application with the FCC)	SWBT deemed to have provided notice to all parties in Case No.
December 9, 1998 (113 days prior to SWBT filing an application with the FCC)	Discovery may begin and depositions may be scheduled. Each party, except Staff, shall be limited to 50 data requests on SWBT or Staff. SWBT may file data requests on the other parties under the same limitation. All discovery shall be due within 10 business days of receipt. The last day to submit data requests will be February 1, 1998.
January 25, 1998 (66 days prior to SWBT filing an application with the FCC)	Parties may file rebuttal testimony and/or written comments regarding SWBT's Section 271 filing and direct testimony
February 1, 1998 (59 days prior to SWBT filing an application with the FCC)	Participants exchange witness lists
February 8, 1998 (52 days prior to SWBT filing an application with the FCC)	Last day for depositions.
February 15, 1998 (45 days prior to SWBT filing an application with the FCC)	Pre-hearing conference
February 22, 1998 (38 days prior to SWBT filing an application with the FCC)	Evidentiary hearing before Missouri Public Service Commission
March 8, 1998 (24 days prior to SWBT filing an application with the FCC)	Parties may file post-hearing briefs
March 31, 1998 (1 day prior to SWBT filing an application with the FCC)	Commission order issued.
April 1, 1998	On or within 30 days after this date SWBT may file with FCC.

AT&T, MCI & Sprint also suggest that a two-week hearing simply will not be necessary if the hearing is held in panel format as contemplated by the Commission.

6. AT&T, MCI and Sprint's proposed procedural schedule does not include dates for SWBT to file sur-rebuttal and for intervenors to file reply testimony. AT&T, MCI and Sprint urge the Commission either to limit pre-filed testimony to the two rounds

originally contemplated (SWBT direct and Intervenor rebuttal) or that any opportunity provided for SWBT to file sur-rebuttal be joined with an opportunity for Intervenor to file reply testimony. In those jurisdictions where SWBT has been allowed to submit sur-rebuttal testimony without an opportunity for Intervenor to reply, SWBT's has included in its sur-rebuttal testimony volumes of materials that should have been included in direct testimony. The consequence of allowing the round of SWBT sur-rebuttal without an opportunity to reply is that the record is underdeveloped on matters that could have been addressed by Intervenor if the matters had been included in SWBT direct testimony.

WHEREFORE, PREMISES CONSIDERED, AT&T, MCI and Sprint respectfully request that the Commission enter an Order granting the Motion to Modify Procedural Schedule.

Respectfully submitted,

LATHROP & GAGE

A handwritten signature in cursive script, reading "Paul S. DeFord (k1)".

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsels of record as shown on the attached service list this 23rd day of December, 1998.


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