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 Southwestern Bell

FILED

JAN 19 1999

Missouri Public
Service Commission

January 19 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

Re: Case No. T0-99-227

Dear Judge Roberts:

Enclosed, for filing in the above-captioned case, are an original and fourteen copies of
Opposition of Southwestern Bell Telephone Company to Motion to Reconsider Application to
Intervene of Show Me Competition, Inc.

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

Very truly yours,

Paul G. Lane / TM

Paul G. Lane

Enclosures

cc: All Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
JAN 19 1999
Missouri Public
Service Commission

Application of Southwestern Bell Telephone)
Company to Provide Notice of Intent to File)
an Application for Authorization to Provide) Case No. TO-99-227
In-Region InterLATA Services Originating)
in Missouri Pursuant to Section 271 of the)
Telecommunications Act of 1996)

**OPPOSITION OF SOUTHWESTERN BELL TELEPHONE COMPANY
TO MOTION TO RECONSIDER APPLICATION TO INTERVENE
OF SHOW ME COMPETITION, INC.**

COMES NOW Southwestern Bell Telephone Company (SWBT) and for its
response to the Motion to Reconsider Application to Intervene of Show Me Competition,
Inc. (Show Me) respectfully states as follows:

1. Show Me filed its initial Application to Intervene on December 21, 1998.
Appendix A listed seven purported members of Show Me: (1) Citizen Action, (2)
CompTel Missouri, (3) Telecommunications Resellers Association, (4) Mo
Telecommunications Coalition, c/o AT&T, (5) Mo Cable Telecommunications
Association, (6) City Utilities of Springfield, and (7) McLeod USA.

2. SWBT filed its opposition to Show Me's Application to Intervene on
December 29, 1998. SWBT's opposition explained that Show Me was a front group for
entities which were otherwise already participating in this docket, and that granting
intervention would allow these entities to have "two bites at the apple." It would allow
these entities to give two opening statements, engage in two cross-examinations of each
witness, and engage in unilateral discovery, while claiming to be insulated from
discovery on the basis that they had no information independent of their members.

SWBT pointed out that six of the seven purported members of Show Me appeared to already be participants in this case.

3. In its Order of December 30, 1998, the Commission rejected the application of Show Me on the basis that "it is not in substantial compliance with 4 CSR 240-2.075(4) because it does not clearly define what interest Show Me has that is different than the interest of the general public or from that of entities which have already been made parties to the case." December 30, 1998 Order at p. 6. The Commission did permit Show Me the opportunity to clarify the identity of its members and to state which of the entities have an interest in the matter which is not already represented.

4. The Motion to Reconsider filed by Show Me does not resolve the concerns previously expressed by SWBT. The majority of the purported members of Show Me are already represented in this docket. It is SWBT's understanding that Show Me is primarily funded by AT&T and other interexchange carriers and does not have an interest different than those of its members who are already participating in this case.

A. The Motion to Reconsider makes no attempt to justify intervention on the basis of membership by the Telecommunications Resellers Association (TRA), Mo Telecommunications Coalition c/o AT&T (MTC), Missouri Cable Telecommunications Association (MCTA), City Utilities of Springfield or McLeod USA. These are five of the seven purported members of Show Me listed in Appendix A to the December 21, 1998 Application to Intervene. City Utilities and McLeod are already participants in this docket. (See: December 9, 1998 Order Granting Interventions, p. 11,

ORDERED 2, Attachment A at p. 5 and December 30, 1998 Order Granting Interventions and Modifying Procedural Schedule, p. 10, ORDERED 2.) TRA and MCTA are independently seeking to participate in this docket. If the Commission allows participation directly by these entities, dual participation through Show-Me is inappropriate; if the Commission denies participation to these entities directly, they should not be permitted to evade the Commission's decision and participate indirectly through Show Me.

Since a majority of the purported members of Show Me identified in its initial filing are already seeking to participate in this docket, it would be wholly inappropriate for the Commission to permit intervention by Show Me.¹ If such tactics are allowed, the Commission's dockets would be inundated with front groups seeking an opportunity to persuade the Commission of the view of its members under the guise of a "neutral and unbiased" party.

- B. In its Motion to Reconsider, Show Me also relies upon the purported membership of the American Association of Retired Persons (AARP) and its representation of 710,000 members in Missouri. AARP was not, however, listed as a member of Show Me in the December 21, 1998 filing, and no information is

¹ Show Me provides no information concerning a fifth member, the Mo Telecommunications Association c/o AT&T. AT&T is a part to the case, and Show Me has provided nothing to show that Mo Telecommunications Association has an interest different from AT&T.

provided as to AARP's alleged membership in Show Me. Included as Attachments I and II to this Opposition, however, are letters from the AARP's Missouri State Legislative Committee and the AARP's Southwest Region's Missouri State Legislative Representative which make it abundantly clear that AARP is not a member of Show Me and did not authorize participation in this docket. Accordingly, AARP's purported membership does not withstand scrutiny as a basis for Show Me's intervention.

C. Show Me also contends that two members of CompTel Missouri are not otherwise represented in the case. But Show Me has not even explained who the other members of CompTel are, although it has admitted that all but two are already parties to the case based on their status as certificated local exchange providers.² Again, it would be wholly improper for the Commission to permit a front group for other parties in the case to have a second bite at the apple on the basis of two small interexchange carriers' membership in CompTel Missouri.

D. Show Me's last attempt to justify its intervention relies upon a group called Missouri Citizen Action. SWBT notes that the group was called Citizen Action in Appendix A of the December 21, 1998 Application to Intervene, but is now called Missouri Citizen Action in this Motion to Reconsider. No explanation of the change

² In Docket TT-98-351, CompTel identified its members as Dial US (now McLeod USA), LDD, Value Line, CGI and Worldcom, all of which provide interexchange services. T. 737.

in name is provided. Nor is any information on the members of Missouri Citizen Action provided, other than an unsupported assertion that it is "a statewide coalition of labor, senior citizen, consumer and community organizations, with combined membership of over 50,000 households." Show Me does not identify which consumer or community organizations are part of the Missouri Citizen Action, nor are the labor and senior citizen groups identified. Show Me has simply failed to explain who the members of Missouri Citizen Action are, what it takes to be considered a "member" of Missouri Citizen Action, or how the interests of Missouri Citizen Action are different from the public in general, as is required under 4 CSR 240-2.075 to support an intervention request.

5. In sum, Show Me has failed to justify its intervention in this case, despite being given a second opportunity by the Commission. Despite two attempts to explain its status, it remains clear that Show Me is a front group for entities which are otherwise represented in this case, with the exception of a purported citizen group about which no specific information has been supplied. The Commission's decision in this case will not be aided by giving AT&T and others the opportunity to participate in this case under its own name and through various associations. Nor has Show Me demonstrated compliance with applicable Commission rules to justify its intervention.

WHEREFORE, for all the foregoing reasons, SWBT respectfully requests the

Commission to deny the Motion to Reconsider the Application to Intervene of Show Me Competition, Inc.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Paul G. Lane /tm

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first-class, postage prepaid U.S. Mail, on all parties on the attached service list this 19th day of January, 1999.

Paul G. Lane /tm



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January 15, 1999

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street
Truman State Office Building, Room 530
Jefferson City, MO 65101

Re: Case No. TO-99-227

Dear Judge Roberts:

I am the Chairman of AARP Missouri State Legislative Committee and have just learned Show Me Competition, Inc. named AARP as a partner in their intervention against Southwestern Bell getting into the long distance business.

This letter is to inform you Show Me Competition, Inc. did not have authorization to include AARP in this filing.

The State Legislative Committee follows many issues that concern consumers. The Committee has not taken this issue under consideration; therefore, at this time we are neutral.

Thank you for this opportunity allowing us to clarify our position.

Sincerely,

Mary Lou O'Connell, Chair
State Legislative Committee

CC: Office of Public Counsel





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January 15, 1999

Diane Miller
Show Me Competition, Inc.
112 East High
Jefferson City, MO 65101

via: FAX

Dear Ms. Miller:

In follow up to my telephone conversation with your attorney and then with you yesterday, I am writing to reiterate AARP's opposition to having our name included as part of your Motion to Reconsider Application to intervene in the matter of the application of Southwestern Bell Telephone to provide long distance services in Missouri.

As I stated yesterday, the AARP volunteer representative who has been meeting with your group informed me that he did not give you permission to use our name in your Motion. You and I then agreed that you would call your attorney and immediately have him remove our name from your Motion. Please send me written confirmation that you have honored our agreement.

Our State Legislative Committee, the only body in the state of Missouri authorized to determine AARP policy positions on legislative and regulatory issues, has not yet studied the matter under consideration. We therefore have decided to remain neutral at this time.

Please send me information about your group, including your goals, by-laws and any other pertinent information so that we can determine whether a continued relationship is possible. Also, please know that you cannot use our name in any matter without our written approval.

601 E Street, NW Washington, DC 20049
Joseph S. Perkins President

(202) 434-2277 www.aarp.org
Horace B. Deets Executive Director



Page two
Diane Miller
January 15, 1999

If you have any further questions, you may reach me at 214/265-4089.

Sincerely,



Maren E. Turner

AARP Missouri State Legislative Representative

cc: Lou O'Connell, Chair

AARP Missouri State Legislative Committee

Juanita Blankenship, Missouri AARP President

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