



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

November 25, 1998

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

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

FILED

NOV 25 1998

Missouri Public
Service Commission

RE: Case No. TO-99-227

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **MOTION TO CONSOLIDATE OR IN THE ALTERNATIVE TO REJECT FILING.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Bruce H. Bates
Assistant General Counsel
(573) 751-7434
(573) 751-9285 (Fax)

Enclosure
cc: Counsel of Record

3.

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

FILED
NOV 25 1998
Missouri Public
Service Commission

In the Matter of the 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 CONSOLIDATE OR IN THE ALTERNATIVE TO REJECT FILING

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and hereby requests that the Missouri Public Service Commission ("Commission") grant this *Motion to Consolidate or in the Alternative to Reject Filing* on the following grounds:

1. There is currently a pending docket open for the purpose of receiving an application by Southwestern Bell Telephone Company ("SWBT") for authorization to provide in-region InterLATA telecommunications services originating in Missouri pursuant to Section 271 of the Telecommunications Act of 1996. The previous case originated when MCI Telecommunications, Inc. filed its *Petition of MCI Telecommunications Corporation for an Investigation Under Section 271 of the Telecommunications Act of 1996* on August 9, 1996. That case was docketed as Case No. TO-97-56.

2. The Commission issued its *Order Granting MCI's Motion for Advance Notice*, on September 25, 1997, directing SWBT to file its Section 271 application with the Missouri

Commission such that the Commission would have 120 days notice of any Section 271 application being filed at the Federal Communications Commission.

3. By filing this Section 271 application as a new case, with a new case number, SWBT has attempted to circumvent the intent of the Commission's September 25, 1997 *Order*. One of the purposes of the TO-97-56 docket was to assure that all parties who intervened in that case were provided with service of the Section 271 application by SWBT. Specifically, the Commission directed SWBT to notify the Commission as well as the parties to Case No. TO-97-56. (See, September 25, 1997 *Order*, p. 3.).

4. The Commission also stated in its September 25, 1997 *Order* that it would establish a procedural schedule and join, as parties to the action, all certificated basic local exchange telecommunications providers, and all such entities that have applied for such certification as of the date of SWBT's filing. (See, September 25, 1997 *Order*, p. 4).

5. According to the Certificate of Service on SWBT's *Application*, only the General Counsel for the Commission and the Public Counsel were served with a copy of the *Application*. There has been no service by SWBT, as directed by the Commission, to those parties who were granted intervention in Case No. TO-97-56.

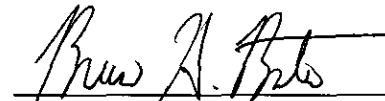
6. Because SWBT has not complied with the Commission's September 25, 1997 *Order*, the 120-day advance notice of any Section 271 application with the Federal Communications Commission has not begun to run.

7. The Commission should consolidate this case with TO-97-56. Alternatively the Commission should reject SWBT's filing in the present case. The Commission should also direct SWBT to provide notice to all parties listed in Case No. TO-97-56.

WHEREFORE, for the reasons set forth herein, Staff respectfully requests that the Commission consolidate this case with Case No. TO-97-56. Alternatively, the Commission could reject SWBT's filing in Case No. TO-99-227. Staff further requests that the Commission direct SWBT to provide notice to all parties in Case No. TO-97-56.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Bruce H. Bates
Assistant General Counsel
Missouri Bar No. 35442

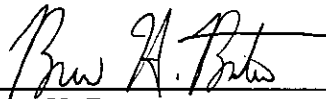
Penny G. Baker
Deputy General Counsel
Missouri Bar No. 34662

Cynthia R. Bryant
Assistant General Counsel
Missouri Bar No. 47937

Attorneys for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7434 (Telephone)
(573) 751-9285 (Fax)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 25th day of November, 1998.



Bruce H. Bates

**Service List for
Case No. TO-99-227
Revised: November 25, 1998**

Mary Ann Young
William D. Steinmeier, P.C.,
P.O. Box 104595
Jefferson City, MO 65102

Paul H. Gardner
Goller, Gardner & Feather
131 E. High Street
Jefferson City, MO 65101

Craig S. Johnson
Andereck, Evans, Milne, Peace & Baumhoer
P.O. Box 1438
Jefferson City, MO 65102-1438

James C. Stroo
Tracy Pagilara
GTE Midwest Inc.
1000 GTE Drive
Wentzville, MO 63385

Carl J. Lumley
Leland B. Curtis
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105

Linda K. Gardner
Mark Harper
United Telephone Company of Missouri
5454 W. 110th Street
Overland Park, KS 66211

Mark W. Comley
Newman, Comley & Ruth
205 E. Capitol Ave.
P.O. Box 537
Jefferson City, MO 65102-0537

Paul G. Lane, Diana J. Harter, Leo J. Bub
Southwestern Bell Telephone Company
100 N. Tucker Blvd., Room 630
St. Louis, MO 63101-1976

Stephen Morris
MCI Telecommunications Corporation
701 Brazos, Suite 600
Austin, TX 78701

Paul S. DeFord
Charles W. McKee
Lathrop & Gage
2345 Grand Blvd
Kansas City, MO 64108-2684

Thomas C. Pelto
AT&T Communications of the Southwest, Inc.
919 Congress, Suite 1500
Austin, TX 78701

Kenneth A. Schiffman
Sprint Communications Company, L.P.
8140 Ward Parkway
Kansas City, MO 64114

W.R. England, III
Sondra Morgan
Brydon, Swearngen & England
312 E. Capitol Ave.
P.O. Box 456
Jefferson City, MO 65102-0456

Douglas W. Trabaris
Elizabeth Howland
Teleport Communications Group
233 S. Wacker Drive, Suite 2100
Chicago, IL 60606

Katherine C. Swaller
Southwestern Bell Telephone Company
One Bell Center, Room 3536
St. Louis, MO 63101

Anthony K. Conroy
Southwestern Bell Telephone Company
One Bell Center, Room 3510
St. Louis, MO 63101

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