

Anthony K. Conroy
Senior Counsel

Southwestern Bell Telephone
One Bell Center, Room 3510
St. Louis, Missouri 63101
Phone 314 235-6060
Fax 314 331-2193

 Southwestern Bell

October 8, 1998

FILED

OCT - 9 1998

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

Missouri Public
Service Commission

Re: Case No. TM-99-76

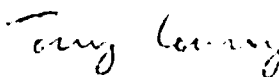
Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and 14 copies of Opposition of Southwestern Bell Telephone Company To Telecommunications Reseller Association's Application To Participate Without Intervention and to Submit Comments.

Please stamp "Filed" on the extra copy and return the copy to me in the enclosed self-addressed, stamped envelope.

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

Very truly yours,



Anthony K. Conroy

Enclosure

cc: Attorneys of Record

OCT - 9 1998

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Merger of SBC Communications
Inc. and Ameritech Corporation.

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Case No. TM-99-76

**OPPOSITION OF SOUTHWESTERN BELL TELEPHONE COMPANY
TO TELECOMMUNICATIONS RESELLERS ASSOCIATION'S APPLICATION
TO PARTICIPATE WITHOUT INTERVENTION AND TO SUBMIT COMMENTS**

COMES NOW Southwestern Bell Telephone Company (SWBT) and submits its
Opposition to Telecommunications Resellers Association's (TRA's) Application to Participate
Without Intervention and to Submit Comments (Application) in this proceeding.

SWBT believes it would be premature for the Missouri Public Service Commission
(Commission) to permit TRA to participate in this proceeding at this time. On September 14,
1998, Sprint Communications Company L.P. (Sprint) filed an application to intervene in this
case. On September 23, 1998, the Commission issued an Order regarding Sprint's intervention
request, in which the Commission stated:

It would be premature to grant Sprint intervention before the
Commission decides whether it has and will exercise jurisdiction over
this merger. The Commission will first decide jurisdictional issues,
and then rule on Sprint's application to intervene.

It is SWBT's position that under the applicable Missouri statutes governing the scope of
the Commission's authority, the Commission does not have jurisdiction to review the merger
between SBC Communications Inc. and Ameritech Corporation. SWBT described its position in
detail to the Commission during an oral argument conducted by the Commission on September
30, 1998.¹ At this oral argument, the Commission Staff agreed with SWBT that the Commission
does not have jurisdiction to review the merger between SBC Communications Inc. and
Ameritech Corporation. Until the Commission issues an Order which addresses its jurisdiction,

¹Counsel for Sprint and TRA also participated in this oral argument.

however, the Commission should treat TRA and all other parties seeking intervention or participation without intervention in the same fashion as it treated Sprint's intervention request. The Commission should not allow TRA to participate in this proceeding at this time. The Commission has already determined that it would be premature to permit Sprint to intervene in this proceeding. Likewise, it would be premature for the Commission to permit TRA to participate in this proceeding before the Commission decides whether it has jurisdiction over the proposed merger between SBC Communications Inc. and Ameritech Corporation.

WHEREFORE, SWBT respectfully requests that the Commission enter an Order denying TRA's Application to Participate Without Intervention and to Submit Comments.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Anthony K. Conroy

PAUL G. LANE #27011

LEO J. BUB #34326

ANTHONY K. CONROY #35199

KATHERINE C. SWALLER #34271

Attorneys for Southwestern Bell Telephone Company

One Bell Center, Room 3516

St. Louis, Missouri 63101

(314) 235-6060 (Telephone)

(314) 247-0014 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the attached Service List by first-class postage prepaid, U.S. Mail on October 8, 1998.


Anthony K. Conroy

DAN JOYCE
MISSOURI PUBLIC SERVICE COMMISSION
301 W. HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65101

MICHAEL F. DANDINO
OFFICE OF THE PUBLIC COUNSEL
301 W. HIGH STREET, SUITE 250
JEFFERSON CITY, MO 65101

MARY ANN (GARR) YOUNG
WILLIAM D. STEINMEIER, P.C.
P.O. BOX 104595
JEFFERSON CITY, MO 65102