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September 17, 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

Re: Case No. TM-99-76

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 Sprint Communications Company  
L.P.'s Application to Intervene and Motion to Change Date of Oral Argument.

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

Very truly yours,

*Anthony K. Conroy.*

Anthony K. Conroy

Enclosure

cc: All Attorneys of Record

FILED  
SEP 18 1998  
MISSOURI PUBLIC  
SERVICE COMMISSION

FILED

SEP 18 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. )

Case No. TM-99-76

**OPPOSITION OF SOUTHWESTERN BELL TELEPHONE COMPANY  
TO SPRINT COMMUNICATIONS COMPANY L.P.'S APPLICATION TO  
INTERVENE AND MOTION TO CHANGE DATE OF ORAL ARGUMENT**

COMES NOW Southwestern Bell Telephone Company (SWBT) and submits its  
Opposition to Sprint Communications Company L.P.'s (Sprint's) Application to Intervene and  
Motion to Change Date of Oral Argument.

The Missouri Public Service Commission (Commission) would be justified in rejecting  
Sprint's attempt to intervene in this proceeding. Sprint's Application to Intervene does not  
comply with the Commission's rules governing intervention, 4 CSR 240-2.075. As stated in the  
"purpose" preamble to 4 CSR 240-2.075, the "rule prescribes the procedures by which an  
individual or entity may intervene in a proceeding or may participate without intervention."

Specifically, 4 CSR 240-2.075.2 requires that any entity (such as Sprint) seeking to  
intervene in a Commission proceeding "shall state whether the applicant supports or opposes the  
relief sought." Even entities seeking to participate without full intervention in a Commission  
proceeding are required by 4 CSR 240-2.075.5 to "[m]ake a full statement of the position they  
intend to take in the proceeding." In the present case, however, Sprint has failed to comply with  
even the lesser standard required of entities seeking to participate without intervention, much less  
the higher standard required of entities seeking full intervention. Because Sprint has failed to  
comply with the Commission's rule regarding intervention, and because Sprint's failure to comply  
with the Commission's rule will, as described in more detail below, unfairly prejudice SWBT and  
the other parties to this proceeding, the Commission should deny Sprint's Application to  
Intervene and Sprint's premature Motion to Change Date of Oral Argument.

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Alternatively, if the Commission determines that Sprint should be permitted to intervene in this proceeding despite its failure to comply with the Commission's rule regarding intervention, the Commission should at a minimum require Sprint to file a pleading, no later than September 25, with service on all parties via facsimile, in which Sprint should be required to disclose its position on the two issues which will be addressed at the September 30, 1998 hearing. Basic fairness dictates that the Commission not permit Sprint to ambush the other parties to this proceeding by concealing its position until the September 30 hearing. As the Commission will recall, the Office of Public Counsel (OPC) initiated this proceeding by filing a Motion to Open a Docket, to Establish a Procedural Schedule, and to Hold a Hearing (Motion) on August 21, 1998. On August 31, 1998, SWBT and the Staff of the Commission (Staff) filed detailed Responses opposing OPC's Motion. On September 2, 1998, OPC filed a Reply to Staff's and SWBT's Responses. In all of these pleadings, OPC, Staff and SWBT have clearly stated their positions. Only Sprint has failed to disclose its position, in contravention of the Commission's rules and basic fairness requirements.

If the Commission allows Sprint to intervene in this proceeding and participate in the September 30, 1998 hearing without first requiring Sprint to fully disclose its position with respect to the two issues identified by the Commission, SWBT and the other parties will not be in a position to respond to Sprint once it does disclose its position at the hearing. Accordingly, if the Commission is inclined to allow Sprint to intervene in this proceeding, the Commission should at least require Sprint to detail its position, no later than September 25, on the two issues identified by the Commission in its September 8, 1998, Order Setting Oral Argument.

WHEREFORE, SWBT respectfully requests that the Commission deny Sprint's Application to Intervene in this proceeding. Alternatively, SWBT respectfully requests that the Commission order Sprint to comply with 4 CSR 240-2.075 and require Sprint to file a pleading no later than September 25, with service by facsimile on all parties, in which it sets forth, in detail, its position on the issues identified by the Commission in its September 8, 1998, Order Setting Oral Argument.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Anthony K. Conroy.  
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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 September 18, 1998.

Anthony K. Conroy.

Anthony K. Conroy

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