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October 5, 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

FILED

OCT - 5 1998

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 McLeodUSA Telecommunication Services, Inc.'s Application To Intervene.

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/TM*

Anthony K. Conroy

Enclosure

cc: Attorneys of Record

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

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

Case No. TM-99-76

**FILED**  
OCT - 5 1998  
Missouri Public  
Service Commission

**OPPOSITION OF SOUTHWESTERN BELL TELEPHONE COMPANY  
TO MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.'S  
APPLICATION TO INTERVENE**

COMES NOW Southwestern Bell Telephone Company (SWBT) and submits its  
Opposition to McLeodUSA Telecommunications Services, Inc.'s (McLeodUSA's) Application  
to Intervene in this proceeding.

SWBT believes it would be premature for the Missouri Public Service Commission  
(Commission) to permit McLeodUSA to intervene in this proceeding at this time. On September  
14, 1998, Sprint Communications Company L.P. (Sprint) also 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.<sup>1</sup> 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,

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<sup>1</sup>Counsel for Sprint and McLeod also participated in this oral argument.

however, the Commission should treat McLeodUSA 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 McLeodUSA to intervene in this proceeding at this time. As the Commission has already determined with respect to Sprint's attempt to intervene in this proceeding, it would also be premature for the Commission to grant McLeodUSA intervention 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 McLeodUSA's Application to Intervene in this proceeding.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Anthony K. Conroy /tm  
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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 October 5, 1998.

Anthony K. Conroy/Tm  
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