

**Ann Mesle**

Division Attorney — Kansas City  
(816) 275-2796

**Deborah S. Doud**

Attorney (816) 275-8607

**Joseph E. Cosgrove, Jr.**

Attorney (816) 275-8913



**Southwestern Bell  
Telephone**

Legal Department, Room 1344  
500 East Eighth Street  
Kansas City, Missouri 64106

February 1, 1989

Mr. Harvey G. Hubbs  
Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

Re: Case No. TA-89-65

Dear Mr. Hubbs:

I am sending via telecopier the Application to Intervene in the above case for filing today. Additionally, I am placing in the U. S. Mail the original and 15 copies of this document and request you return one "filed" copy to me in the stamped, self-addressed envelope.

Thank you for your assistance and cooperation in this filing.

Sincerely,

ANN MESLE

Enc.

cc: All Parties of Record

6 pages including this page.

**FILED**

FEB 1 1989

PUBLIC SERVICE COMMISSION

RECEIVED  
FEB 3 1989

FILED

FEB 1 1989

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

In the Matter of the Application )  
of St. John's Mercy Medical )  
Center for Certificate of )  
Service Authority to provide )  
Shared Tenant Services within )  
the State of Missouri. )

Case No. TA-89-65

APPLICATION TO INTERVENE

Southwestern Bell Telephone Company (Southwestern Bell)  
hereby requests an Order of the Commission allowing it to inter-  
vene in these proceedings, pursuant to 4 C.S.R. 240-2.110, and in  
support thereof states:

1. Southwestern Bell is a Missouri corporation with its  
principal office at 1010 Pine Street, St. Louis, Missouri 63101.  
It is a "local exchange telecommunications company" and a "public  
utility", as those terms are defined in Section 386.020, RSMo.  
Supp. 1988, and is duly authorized to provide telecommunications  
service within the state of Missouri.

2. All correspondence, pleadings, orders, decisions and  
communications regarding this proceeding should be sent to:

T. Michael Payne  
Vice President & General Solicitor (Missouri)  
Southwestern Bell Telephone Company  
100 North Tucker, Room 618  
St. Louis, Missouri 63101

3. This case involves the application of St. John's Mercy  
Medical Center for Certificate of Service Authority to provide

shared tenant services in the State of Missouri. Southwestern Bell seeks intervention for the following reasons:

- a. The application was filed on September 22, 1988.  
Southwestern Bell did not become aware of said filing until January 30, 1989. Southwestern Bell has made a thorough search of its records and has not been able to determine ever having received a copy of the application as required by General Exchange Tariff Section 37, Paragraph 37.3.5. Additionally, Southwestern Bell has made a thorough search of its records and has not been able to determine ever having received a copy of the Order and Notice issued September 30, 1988.
- b. This application is important not only to Southwestern Bell, but to the Commission as well, because it is an application involving a waiver from the STS tariff.
- c. Southwestern Bell has fully participated in the dockets related to the provision of shared tenant services in Missouri, including Case No. TR-86-53.
- d. Southwestern Bell seeks to intervene in this proceeding in order to protect its interests as a regulated telephone company and public utility under Missouri law.
- e. Southwestern Bell has interests which differ from those of the general public and its intervention would,

therefore, serve the public interest by representing a perspective not now present in these proceedings.

- f. Because Southwestern Bell has only recently become aware of St. John's Mercy Hospital's application, Southwestern Bell has not had the opportunity to fully investigate the application and discuss any concerns Southwestern Bell might have about the application with St. John's Mercy Hospital.

- 4. Paragraph 6 of the Application filed by St. John's Mercy Hospital states:

Applicant requests that this Certificate of Service Authority be made applicable to additional locations which may be served by the Applicant in the future.

- a. Southwestern Bell Telephone Company believes paragraph 6 could readily be interpreted as a request for blanket advance approval to provide STS in more than a single building without filing a separate Application for a waiver of the single building requirement as required by the Report & Order issued in TR-86-53.
- b. It is not Southwestern Bell's intention that this Commission should require an STS provider to seek multiple Certificates of Service Authority in order to establish distinct and separate STS operations at new locations. Southwestern Bell believes, however, that

an STS provider should be required to seek a waiver of the single building requirement as set out in the Report & Order and that such waiver request should specify (A) the buildings and operations as to which the waiver is requested, and (B) the reasons such a waiver is appropriate.

5. Southwestern Bell Telephone Company does not oppose the granting St. John's Mercy Medical Center authority to offer STS at some portion of the Medical Center Complex, but believes an investigation should be conducted and hearing held to clarify the pertinent facts and to determine, consistent with the governing tariffs, the appropriate limits within which such STS operation should be permitted.

WHEREFORE, Southwestern Bell Telephone Company requests that it be permitted to intervene in this proceeding.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Ann Mesle, T. Michael Payne, Jeanne A. Fischer, Paula J. Fulks, Thomas J. Horn and Ronald D. Young  
ANN MESLE, T. MICHAEL PAYNE,  
JEANNE A. FISCHER, PAULA J.  
FULKS, THOMAS J. HORN and  
RONALD D. YOUNG

Attorneys for Southwestern  
Bell Telephone Company  
500 East Eighth, Room 1344  
Kansas City, Missouri 64106  
816-275-2796

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed postage prepaid, this 1<sup>st</sup> day of February, 1989, to all parties of record.

Ann Mesle  
Ann Mesle by KVL