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May 4, 2000

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

MAY 5 2000

**Missouri Public
Service Commission**

Re: Case No. TA-2000-665

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and eight copies of Southwestern Bell Telephone Company'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,

A handwritten signature in dark ink, appearing to read "Leo J. Bub", written in a cursive style.

Leo J. Bub

Enclosure

cc: Attorneys of Record

**BEFORE THE PUBLIC SERVICE COMMISSION MAY 5 2000
OF THE STATE OF MISSOURI**

**Missouri Public
Service Commission**

In the matter of the Application of PathNet, Inc.)
for a certificate of service authority to provide)
Basic Local Telecommunications Service in)
portions of the State of Missouri and to classify)
said services and the company as competitive.)

Case No. TA-2000-665

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
APPLICATION TO INTERVENE**

Southwestern Bell Telephone Company, pursuant to §386.420 RSMo (1994) and 4 CSR 240-2.075, respectfully seeks to intervene in this proceeding and states:

1. Southwestern Bell is a Missouri corporation duly authorized to conduct business in Missouri with its principal Missouri office at One Bell Center, St. Louis, Missouri 63101. Southwestern Bell is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in §386.020 RSMo (1994).¹

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

Paul G. Lane
Leo J. Bub
Anthony K. Conroy
Mimi B. MacDonald
Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101

3. In this proceeding, PathNet, Inc. (PathNet) seeks a certificate of service authority to provide basic local telecommunications service in exchanges currently served by GTE, Sprint and SWBT. PathNet seeks classification as a competitive company and to receive a lesser degree of regulation as permitted under Sections 392.361 and 392.420 RSMo. (1994) and the waiver of various statutory provisions and Commission rules.

¹ All statutory cites are to the Missouri Revised Statutes.

4. Southwestern Bell seeks to intervene in this proceeding because it has a direct interest in the Commission's decision on PathNet's Application. Southwestern Bell is authorized to provide basic local and local exchange telecommunications services within the State of Missouri. Pursuant to tariffs on file with the Commission, Southwestern Bell is authorized to provide the type of services within the State of Missouri that PathNet seeks to provide. PathNet in this certification proceeding has requested service authority in exchanges served by Southwestern Bell, GTE Midwest, Inc. and Sprint/United Telephone Company. In order to protect its interests, Southwestern Bell believes it necessary for it to participate in the Commission's review of PathNet's initial request for certification.

5. Southwestern Bell's interests as a local exchange telecommunications service provider differ from those of the general public. No other party to this proceeding will adequately protect Southwestern Bell's interest.

6. Granting of this intervention will be in the public interest because Southwestern Bell will bring to this proceeding its expertise and experience as a telecommunications provider.

WHEREFORE, Southwestern Bell respectfully requests the Commission to grant this Application to Intervene.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY



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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on May 4, 2000.



Leo J. Bub

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