

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

In the Matter of the Application of Time Warner)
Cable Information Services (Missouri), LLC for a)
Certificate of Service Authority to Provide Local) Case No. LA-2004-0133
and Interexchange Voice Service in Portions of the)
State of Missouri and to Classify said Services)
and the Company as Competitive.)

**SBC MISSOURI'S
APPLICATION TO INTERVENE OUT-OF-TIME**

SBC Missouri,¹ pursuant to Section 386.420 RSMo (2000) and 4 CSR 240-2.075, respectfully seeks to intervene out-of-time in this proceeding and states:

1. SBC Missouri is a Texas partnership duly authorized to conduct business in Missouri with its principal Missouri office at One SBC Center, St. Louis, Missouri 63101. SBC Missouri 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).²

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

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3. In this proceeding, Time Warner Cable Information Services (Missouri), L.L.C., d/b/a Time Warner Cable (“Time Warner Cable”) seeks a certificate of service authority to provide local and interexchange voice service in various exchanges throughout Missouri, including those currently served by SBC Missouri. In its Application, Time Warner Cable

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as “SBC Missouri.”

² All statutory cites are to the Missouri Revised Statutes.

indicated that it “intends to provide facilities-based local Internet Protocol (“IP”) voice service, targeted to the residential market.”³

4. As is customary with applications for certificates of service authority filed by new entrants, the Commission provided notice of the Time Warner Cable filing and established an October 8, 2003 intervention deadline.⁴

5. Although several carriers (STCG, MITG, Fidelity CLECs, Spectra, CenturyTel, and AT&T) sought to intervene in Time Warner Cable’s Application, SBC Missouri did not. SBC Missouri believed that the VoIP issue would be addressed in a generic proceeding that the Commission Staff requested be opened,⁵ rather than in the certification case of a single carrier.

6. It appears, however, that the Commission has elected to examine the “regulatory uncertainties” of VoIP in Time Warner Cable’s certification case.⁶ As a result, the Commission denied Staff’s Motion to open a generic VoIP case.⁷

7. SBC Missouri now seeks to intervene in this proceeding because it has a direct interest in the Commission’s decision on Time Warner Cable’s Application and in any determination the Commission may make with respect to VoIP. Time Warner Cable in this certification proceeding has requested service authority in exchanges served by SBC Missouri. In order to protect its interests, SBC Missouri believes it necessary for it to participate in the Commission’s review of Time Warner Cable’s request for certification and in the Commission’s investigation of VoIP services.

8. SBC Missouri’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 SBC Missouri’s interest.

³ See, Time Warner Application for Certificate of service Authority to Provide Local and Interexchange Voice Service, Exhibit B, filed September, 23, 2003.

⁴ See, Notice of Application, issued September 23, 2003, p. 3.

⁵ See, Staff’s Motion to Open Case, Case No. TO-2004-0172, filed October 6, 2003.

⁶ See, Order Granting Applications to Intervene and Setting Prehearing Conference, Case No. LA-204-0133, issued November 4, 2003.

⁷ See, Order Denying Motion to Open Case, Case No. TO-2004-0172, issued November 4, 2003.

9. Granting of this intervention will be in the public interest because SBC Missouri will bring to this proceeding its expertise and experience as a telecommunications provider.

10. The Commission not more than two days ago granted the intervention of the STCG, MITG, Fidelity CLECs, Spectra, CenturyTel and AT&T. At this early date, the prehearing is over two weeks away and no procedural schedule has been set. No party should therefore be prejudiced by the Commission's granting this request out of time.

WHEREFORE, SBC Missouri respectfully requests the Commission to grant this Application to Intervene Out-of-Time.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A SBC MISSOURI

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on November 6, 2003.



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