



Jason Olson
Director – Regulatory

SBC Communications Inc.
One SBC Center
Suite 3530
St. Louis, MO 63101

November 12, 2003

The Honorable Dale Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

Dear Judge Roberts:

Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, proposes to revise P.S.C. Mo.-No. 36, Access Services Tariff.

SBC Missouri is proposing to add commingling language consistent with the Federal Communication Commission's *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, CC Docket No. 01-338, FCC 03-36, para. 582 (released Aug. 21, 2003) (*Triennial Review Order*).

With this tariff filing, SBC Missouri introduces definitions for Commingling and Unbundled Network Elements (UNEs). SBC Missouri sets forth ordering conditions for a requesting telecommunications carrier to commingle an UNE or a combination of UNEs with wholesale services obtained from this tariff. Also, SBC Missouri defines the procedure for converting customers that have commingled UNE(s) and/or UNE Combination(s) with wholesale services obtained under this tariff to a comparable service in the event the Federal Communications Commission (FCC) or a court vacates, stays, remands, reconsiders, or rejects the portion of the Triennial Review Order requiring Incumbent Local Exchange Carriers to permit commingling.

Similar tariff language was added to SBC's Tariff F.C.C. No. 73. The FCC allowed SBC's tariff filing to become effective on October 23, 2003 over the objections of the Joint Petitioners¹ and WorldCom, Inc. d/b/a MCI. In its Public Notice, the FCC stated:

Pursuant to authority delegated under section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the Pricing Policy Division of the

¹ AT&T Corp., Birch Telecom, Inc., Bridgecom International, Inc., Broadview Networks, Inc., Choice One Communications, Inc., CoreComm, Newco, Inc., Eschelon Telecom, Inc., Focal Communications Corporation, Global Crossing North America, Inc., McGraw Communications, Inc., RCN Telecom Services, Inc., RCN Telecom Services of Illinois, LLC., XO Communications, Inc.

Wireline Competition Bureau has reviewed the petitions to reject or to suspend and investigate the tariff transmittals listed in this Report.

We conclude that the parties filing the petitions against the tariff transmittals listed in this Report have not presented compelling arguments that these transmittals are so patently unlawful as to require rejection. Similarly, we conclude the parties have not presented issues regarding the transmittals that raise significant questions of lawfulness that require investigation of the tariff transmittals listed in this Report.

Accordingly, the petitions to reject or suspend and investigate the following tariff transmittals are denied, and the transmittals will, or have, become effective on the date specified below. Applications for review and petitions for reconsideration of these decisions may be filed within 30 days from the date of this public notice in accordance with sections 1.115 and 1.106 of the Commission's Rules, 47 C.F.R. §§ 1.115, 1.106.

The proposed tariff changes are reflected on the attached tariff sheets with issued and effective dates of November 12, 2003, and December 12, 2003 respectively.

Please refer any questions on this matter to Jason Olson on 314-235-6922.

Very truly yours,

/s/ Jason Olson

I certify that a copy of the foregoing, including attachments, is being hand delivered to the Office of Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102, this 12th day of November, 2003.

 Tammy Morris

Attachment