STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 22nd day of June, 2000.

In the Matter of Southwestern Bell Telephone Company's Proposed Revision to its General Exchange Tariff, PSC Mo. No. 35, Regarding Pay Telephone Service

Case No. TT-2000-837
Tariff File No. 200001065

ORDER SUSPENDING TARIFFS

On May 24, 2000, Southwestern Bell Telephone Company filed tariff sheets designed to reduce the monthly recurring charge for payphone access lines and to change the registration of "SmartCoin" from a service mark to a registered trademark. The tariff sheets bear an effective date of June 25, 2000. On June 21, 2000, Midwest Independent Coin Payphone Association (MICPA) filed a motion to suspend the tariff filing.

MICPA alleges that the tariff filing fails to comply with the Telecommunications Act of 1996 (the Act) and the Federal Communications Commission's directives in Case Nos. FCC-96-388 and FCC-96-439. MICPA states that the tariff filing is discriminatory, unlawful, and unreasonable. MICPA alleges that, pursuant to the proposed tariff, SWBT will provide itself "answer supervision" at a rate of \$2.25 per line, but will provide the same service to independent payphone providers at a rate of \$5.00 per line. MICPA states that this disparity, on its face, amounts to discrimination.

The allegations raised by MICPA create sufficient question about discrimination that the Commission will suspend the proposed tariff. as MICPA asserts, the proposed tariff will charge only \$2.25 for a bundle of services that includes answer supervision and \$5.00 for answer supervision on an unbundled basis, it may be discriminatory. In order to allow sufficient time to study the effect of the proposed tariff and establish an evidentiary record to determine whether it is discriminatory, the proposed tariff will be suspended for a period of 120 days plus six months.

Proper parties should be given notice and an opportunity to intervene in this matter. The Records Department of the Commission shall send a copy of this order to all telecommunications companies certificated to do business in the state of Missouri.

MICPA also seeks intervention pursuant to 4 CSR 240-2.075. The Commission finds that MICPA's application to intervene is in substantial compliance with Commission rules regarding intervention and so will grant it.

IT IS THEREFORE ORDERED:

- 1. That the motion to suspend filed by Midwest Independent Coin Payphone Association on June 21, 2000 is granted and the tariff will be suspended.
- 2. That the proposed tariff sheets submitted on May 24, 2000, by Southwestern Bell Telephone Company and assigned Tariff No. 200001065, and subsequently docketed as Case No. TO-2000-837, are suspended for a

period of 120 days plus six months beyond June 25, 2000, to April 23, 2001, or until otherwise ordered by this Commission.

- 3. That the Records Department of the Commission shall provide notice as described in this order.
- 4. That any proper person or entity desiring to intervene shall, no later than November 3, 2000, submit an application to intervene to:

Secretary of the Missouri Public Service Commission P.O. Box 360 Jefferson City, Missouri 65102

Copies of the application to intervene should be sent to:

Legal Department Southwestern Bell Telephone Company One Bell Center St. Louis, Missouri 63101

and

Mark W. Comley Newman, Comley & Ruth, P.C. 601 Monroe Street, Suite 301 P.O. Box 537 Jefferson City, Missouri 65102-0537

and

Office of the Public Counsel P.O. Box 7200 Jefferson City, Missouri 65102

5. That the application to intervene filed by Midwest Independent Coin Payphone Association is granted.

6. That this order shall become effective on June 23, 2000.

BY THE COMMISSION

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Lumpe, Ch., Drainer, Murray, Schemenauer, and Simmons, CC., concur

Mills, Deputy Chief Regulatory Law Judge

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