

CURTIS, OETTING, HEINZ, GARRETT & O'KEEFE, P.C.

Attorneys at Law
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)

Carl J. Lumley
Principal

clumley@cohgs.com

September 17, 2002

Secretary of the Commission
Missouri Public Service Commission
200 Madison, Suite 100
St. Louis, Missouri 65101

Via Courier

Re: Case No. TT-2003-0093

FILED²
SEP 17 2002
Missouri Public
Service Commission

Dear Secretary of the Commission:

Enclosed please find for filing with your office an original and nine (9) copies each of the following documents on behalf of MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc. and MCImetro Access Transmission Services, LLC:

1. Concurrence of WorldCom with Staff's Motion to Suspend and/or Reject SWBT's Tariff
2. Application to Intervene
3. Petition for Entry of Appearance of Stephen F. Morris and Patricia Ana Escobedo

Upon your receipt, please file stamp the extra copies received and return to the undersigned in the enclosed, self-addressed, stamped envelope. If you have any questions, please contact us. Thank you.

Very truly yours,

Carl J. Lumley

CJL:dn
Enclosure
cc. Parties of Record (W/Enclosure)

SEP 17 2002

Missouri Public
Service Commission

In the matter of Southwestern Bell)
Telephone Company's Tariff Filing to) Case No. TT-2003-0093
Initiate Residential Customer Promotion.) Tariff File: 2003000117

COME NOW MCImetro Access Transmission Services, LLC; Brooks Fiber Communications of Missouri, Inc.; and MCI WorldCom Communications, Inc. (collectively WorldCom) and for their concurrence with the September 6, 2002, Motion to Suspend and Reject Tariff Filing of the Staff of the Missouri Public Service Commission state to the Commission:

1. Staff notes that its discussions with officials of Southwestern Bell Telephone Company (SWBT) indicate SWBT does not intend to offer the Metropolitan Calling Area (MCA) promotion¹ to all customers. Staff further explains that the first of two issues² raised by the MCA promotion currently is under consideration in Case No. TT-2002-472, *et al.*³, and “Staff is concerned . . . SWBT is attempting to legitimize its attempts to winback CLEC customers” by camouflaging a winback promotion as something else.⁴

2. WorldCom agrees with Staff's assessment. SWBT's instant filing attempts an end run on the winback proceedings, Case Nos. TT-2002-472 and TT-2002-473. Like Case TT-2002-472, *et al.*, the MCA promotion will apparently be offered solely to customers who do not currently

¹ SWBT's August 16, 2002, filing proposes 11th Revised Sheet 1 to its Local Exchange Tariff Appendix P.S.C. Mo. No. 24. The promotion is intended to run from September 16, 2002, through September 15, 2003, and is directed at residential customers who subscribe to flat rate access line or additional line and MCA 3,4, and 5 and the vertical features of Caller ID Name and Number or Speed Call 8. The bundle is priced at a monthly rate of \$30.00. Cancellation before the 12-month term causes the price to revert to normal pricing.

² The second issue is the pricing of the MCA plan which is in dispute in Case No. TT-2002-447, *In the Matter of the Tariff Filing of Sprint Missouri, Inc. d/b/a Sprint to Increase the Residential and Business Monthly Rate for the Metropolitan Calling Area (MCA) Plan*. WorldCom is not a party to that case.

³ *In the Matter of Southwestern Bell Telephone Company's Tariff to Initiate Residential Customer Winback Promotion and In the Matter of Southwestern Bell Telephone Company's Tariff Filing to Extend Business Customer Winback Promotions*

⁴ Motion to Suspend and Reject Tariff Filing at 2, ¶ 3.

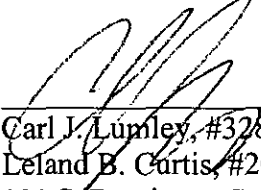
take service from SWBT, i.e., customers of competitive local exchange carriers (CLECs). In Case Nos. TT-2002-472 and TT-2002-473, the Commission is committed to again determining -- within the very near future⁵ -- whether winback promotions directed solely at the customers of CLECs are anticompetitive, adversely affect the health of the local service market, and are consistent with Missouri's statutory requirements.⁶ The outcomes in the latest winback cases may affect the rates, terms, and conditions by which SWBT can conduct winback promotions, including the MCA promotions, against Missouri CLECs and CLEC customers. SWBT should not be permitted to engage in an end run on the Commission's rulings regarding winback promotions.

3. The Commission is authorized to suspend this tariff filing and to conduct a hearing to determine the propriety of the MCA promotion by Section 392.230 RSMo 2000.

WHEREFORE, WorldCom requests the Commission to establish a case for SWBT's Tariff File No. 200300117, pursuant to Commission Rule 4 CSR 240-2.065, to suspend the operation of the MCA tariff filing, to set the matter for hearing, to find this tariff is unlawful and unreasonable, and to reject the tariff filing.

Respectfully submitted,

CURTIS, OETTING, HEINZ,
GARRETT & O'KEEFE, P.C.



Carl J. Lumley, #32869
Leland B. Curtis, #20550
130 S. Bemiston, Suite 200
Clayton, MO 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@cohgs.com
lcurtis@cohgs.com

⁵ Case TT-2002-472, et al., go to hearing on September 24-25, 2002.

⁶ The Commission already made this determination less than a year ago in Case No. TT-2002-108.



Stephen F. Morris #14501600

WorldCom

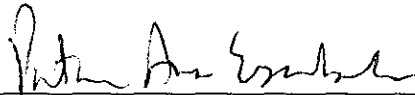
701 Brazos, Suite 600

Austin, Texas 78701

(512) 495-6721

(512) 495-6706 (FAX)

stephen.morris@wcom.com



Patricia Ana Escobedo, Texas Bar No. 12544900

WorldCom Communications

701 Brazos, Suite 600

Austin, Texas 78701

(512) 495- 6836

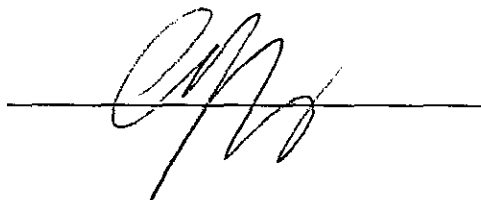
(512) 495-6706 (FAX)

pat.escobedo@wcom.com

Attorneys for Brooks Fiber Communications of Missouri, Inc.,
MCImetro Access Transmission Services, LLC, and
MCI WorldCom Communications, Inc.

CERTIFICATE OF SERVICE

A true and correct copy of the forgoing was mailed this 17 day of September, 2002, by placing same in the U.S. Mail postage paid, to the persons listed on the attached service list.



Dan Joyce
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Michael F. Dandino
Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Paul G. Lane, Leo J. Bub,
Anthony K. Conroy, Mimi B. MacDonald
Southwestern Bell Telephone Co.
One Bell Center, Room 3510
St. Louis, MO 63101