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May 22, 2000

FILED²

MAY 22 2000

Missouri Public
Service Commission

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

Re: Case No. TO-2000-261

Dear Mr. Roberts:

Enclosed for filing on behalf of ALLTEL Communications, Inc., please find an original and eight (8) copies of the Supplemental Pleading to ALLTEL Communications, Inc.'s Application to Intervene and Request for Hearing.

Please see that this filing is brought to the attention of the appropriate Commission personnel. A copy of the attached will be provided to parties of record. I thank you in advance for your cooperation in this matter.

Sincerely,

Brian T. McCartney

Brian T. McCartney

WRE/da
Enclosures
cc: Parties of Record

FILED²

MAY 22 2000

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Application of SBC Advanced)
Solutions, Inc. for Approval of an Interconnection)
Agreement with Southwestern Bell Telephone)
Company.)

CASE NO. TO-2000-261

SUPPLEMENTAL PLEADING TO ALLTEL COMMUNICATIONS, INC.'S
APPLICATION TO INTERVENE AND REQUEST FOR HEARING

COMES NOW the ALLTEL Communications, Inc. ("ACI") and for its Supplemental Pleading to its May 2, 2000 Application to Intervene and Request for Hearing in the above-captioned matter states that:

1. On May 2, 2000, ACI filed its Application to Intervene and Request for Hearing in Case No. TO-2000-261 on the grounds that Southwestern Bell Telephone Company ("SWBT") and its affiliate SBC Advanced Solutions ("SBC-ASI") seek to add terms to their Interconnection Agreement ("the Agreement") through their proposed Amendment No. IA20000032 ("the Amendment") that will affect ACI's interests as a provider of telecommunications service in the state of Missouri.

2. Specifically, ACI stated that the proposed amendment is discriminatory in that it purports to offer terms to SBC-ASI that will not be available to any other carrier, thereby violating the following provisions of the Telecommunications Act of 1996 ("the Act"):

A. Section 251(c)(2) (requiring SWBT to provide, "for the facilities and equipment of any requesting telecommunications carrier, interconnection with [SWBT's] network . . . *on rates, terms, and conditions that are just, reasonable, and nondiscriminatory* . . .") (emphasis added);

B. Section 251(c)(3) (requiring SWBT to provide, "to any requesting telecommunications carrier for the provision of a telecommunications service, *nondiscriminatory*

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access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory . . .) (emphasis added);

C. Section 252(d)(1) (requiring determinations by a State commission of the just and reasonable rate for the interconnection of facilities and for network elements must be *nondiscriminatory*.) (emphasis added)

D. Section 252(i) (requiring SWBT to “make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier *upon the same terms and conditions* as those provided in the agreement.”) (emphasis added)

3. The Amendment also appears to be contrary to **Section 392.200.3** of the Missouri Revised Statutes, 1999 Supp., which provides that “[n]o telecommunications company shall make or give any undue or unreasonable preference or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever . . .”

4. ACI has stated that it has an interest in this proceeding which is different from that of the general public, and that ACI’s expertise in and perspective on the provision of telecommunications services in this State will aid the Commission in resolving the issues related to the SWBT/SBC-ASI Amendment. Consequently, ACI stated that its intervention and participation in this case will serve the public interest.

5. On May, 9, 2000, the Commission’s Staff (“Staff”) filed its recommendation that the Commission reject the Amendment because it violates 47 U.S.C. 252(e)(2)(A)(i) and (ii).

6. On May 11, 2000, the Commission issued an Order Requiring Filing directing ACI to

file "a supplemental pleading which includes a specific reference to the statutory provision or other authority under which it requested relief as set forth above." ACI respectfully states that it has requested relief under the federal and state provisions that are cited in the previous paragraphs of this supplemental pleading. The Commission's rules allow for the Commission to grant the relief ACI has requested:

- A. 4 CSR 240-2.075 allows an individual or entity to intervene in a case before the Commission.
- B. 4 CSR 240-2.075(4)(A) provides that the Commission may allow intervention upon a showing that the proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case.
- C. 4 CSR 240-2.075(4)(B) provides that the Commission may allow intervention upon a showing that granting the proposed intervention would serve the public interest.
- D. 4 CSR 240-2.110(3) provides, "When pending actions involve related questions of law or fact, the Commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay." ACI's pleading raised issues that are similar to those raised in Staff's Recommendation to reject the Amendment. Thus, the Commission should allow ACI to intervene in this case, and the Commission should order a hearing on the issues that ACI and Staff have raised.

WHEREFORE, the ACI respectfully requests that the Commission issue an Order: (1) authorizing ACI to intervene in the above-captioned proceeding, (2) establishing a hearing to investigate the question of whether the Amendment violates federal and state law, and (3) for such other orders as are reasonable in the circumstances.

Respectfully submitted,

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 22nd day of May, 2000 to:

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