

JAMES M. FISCHER, P.C.

ATTORNEY AT LAW
REGULATORY CONSULTANT

101 WEST McCARTY, SUITE 215
JEFFERSON CITY, MO 65101

TELEPHONE (573) 636-6758
FAX (573) 636-0383

November 18, 1999

FILED

NOV 18 1999

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 3660
Jefferson City, Missouri 65102

Missouri Public
Service Commission

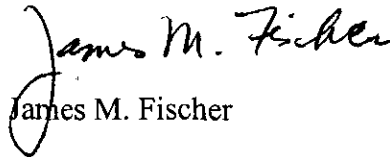
RE: *SBC Advanced Solutions, Inc.*
Case No. TO-2000-261

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and fourteen (14) copies of SBC Advanced Solutions, Inc.'s Suggestions in Opposition to Late-Filed Application to Participate Without Intervention of MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc. and MCI WorldCom Communications, Inc. A copy of the foregoing Suggestions in Opposition has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
Enclosure(s)

cc: Office of the Public Counsel
Dana K. Joyce, Missouri Public Service Commission
Carl J. Lumley
Stephen F. Morris

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

NOV 18 1999

Missouri Public
Service Commission

In the Matter of the Application of)
SBC Advanced Solutions, Inc., for)
Approval of its Interconnection Agreement) Case No. TO-2000-261
With Southwestern Bell Telephone Co.)
Under 47 U.S.C. Section 252(a)(1) and (i))

**SBC Advanced Solutions, Inc.'s Suggestions in Opposition to
Late-Filed Application to Participate Without Intervention of
MCImetro Access Transmission Services, LLC,
Brooks Fiber Communications of Missouri, Inc.
and MCI WorldCom Communications, Inc.**

COMES NOW SBC Advanced Solutions, Inc. (ASI or Applicant) and files these Suggestions in Opposition to the Late-filed Application to Participate Without Intervention filed by MCImetro Access Transmission Services, LLC (MCImetro), Brooks Fiber Communications of Missouri, Inc. (Brooks), and MCI WorldCom Communications, Inc. (MCIWC), (collectively, "Intervenors"). In support of these Suggestions in Opposition, ASI states as follows:

1. On September 30, 1999, ASI filed its Application for Approval of its Interconnection Agreement with Southwestern Bell Telephone Company.
2. On October 7, 1999, the Commission issued its Order and Notice which established October 27, 1999 as the intervention deadline in this matter.
3. No timely Applications to Intervene were filed by any party.
4. On or about November 8, 1999, MCImetro, Brooks, and MCIWC filed their late-filed Application to Participate Without Intervention. As cause for their late-

filing, MCImetro, Brooks, and MCIWC merely stated: "They were unaware of the deadline due to personnel absence." (Application to Intervene, p. 2).

5. The Commission should deny the Application to Participate Without Intervention of MCImetro, MCIWC and Brooks in this proceeding since their stated cause for late-filing is not "good cause" to delay this proceeding. The Commission has recently denied a similar request for late-filed intervention by these Intervenor in the ASI's companion certificate proceeding. See Re SBC Advanced Solutions, Inc., Case No. TA-2000-260, Order Denying Application to Intervene, (November 16, 1999) (attached). The Commission did not accept the Intervenor's stated reason for its late-filing in that proceeding, and it should adopt the same position in this companion case.

6. The Applicants also asserted that: "The Commission's decision may adversely affect MCImetro's, Brook's and MCIWC's interest as providers of telecommunications services, including as CLECs. (Application, p. 2). However, it is difficult to understand how ASI's Interconnection Agreement could adversely affect these companies since the Intervenor have negotiated their own interconnection agreements with Southwestern Bell Telephone Company and the Commission has approved those agreements. See Re Interconnection Agreement of MCI and Its Affiliates and Southwestern Bell Telephone Co., Case No. TO-98-2000, Order Approving Interconnection Agreement (July 23, 1998). In addition, the Intervenor have failed to demonstrate how their interests are different from the general public, or how their participation at this stage of the proceeding would promote the public interest.

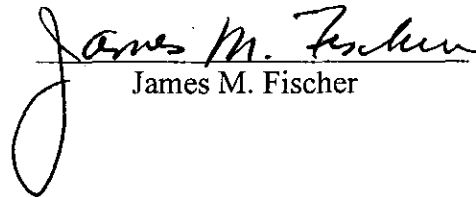
WHEREFORE, SBC Advanced Solutions, Inc. respectfully requests that the Commission deny the late-filed Application to Participate Without Intervention filed by MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc. and MCI WorldCom Communications, Inc. in this proceeding.

Respectfully submitted,

Joe Cosgrove, Esq. MBN 35861
SBC ADVANCED SOLUTIONS, INC.
1010 N. St. Mary's, Room 1407
San Antonio, TX 78215
210-886-5110

James M. Fischer, Esq. MBN 27543
JAMES M. FISCHER, P.C.
101 West McCarty, Suite 215
Jefferson City, MO 65101
Tel: 573-636-6758
Fax: 573-636-0383

By:


James M. Fischer

CERTIFICATE OF SERVICE

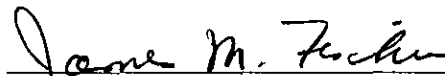
I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, or mailed, First Class postage prepaid, this 18th day of November, 1999, to:

Office of Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102

Dana K. Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Carl J. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
Clayton, Missouri 63105

Stephen F. Morris
MCI WorldCom
701 Brazos, Suite 600
Austin, Texas 78701



James M. Fischer

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 16th
day of November, 1999.

In the Matter of the Application of)	
SBC Advanced Solutions, Inc. for a)	
Certificate of Authority to Provide)	<u>Case No. TA-2000-260</u>
Advanced Telecommunications within the)	
State of Missouri.)	

ORDER DENYING APPLICATION TO INTERVENE

On November 9, 1999, MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc., and MCI WorldCom Communications, Inc. (collectively referred to as Intervenor) filed an application to intervene in case number TA-2000-260. The application to intervene recognizes that the Commission established an intervention deadline of October 27. However, the Intervenor seek leave to late-file their request for intervention.

Case number TA-2000-260 refers to an application by SBC Advanced Solutions, Inc. (Advanced Solutions) on September 30, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri. The Commission issued a Notice of Applications and Opportunity to Intervene on October 12. That initial notice incorrectly indicated that it was issued on October 5 and indicated a intervention deadline of October 20. The issue date and the intervention deadline were corrected in the Notice

of Applications that was issued on October 19, the next week. The corrected notice required that parties wishing to intervene do so no later than October 27.

No applications to intervene were received on or before October 27, and on November 5, the Staff of the Commission filed a memorandum recommending that the Commission grant Advanced Solutions the certificates for which it had applied. On November 8, the Commission issued an Order Approving Interexchange and Non-Switched Local Exchange Certificate of Service Authority. The order also indicated that the certificates of service authority would become effective only upon the filing, approval and effective date of Advanced Solutions' tariffs.

The Intervenors' application to intervene was not timely filed. Not only was it filed after the deadline established by the Commission, it was filed after the Commission had already acted upon Advanced Solutions' application. 4 CSR 240-2.075(4)(D) provides that "[a]pplications to intervene filed after the intervention date set by the commission may be granted upon a showing of good cause". The only excuse offered by the Intervenors for their failure to request intervention in a timely fashion is that they were unaware of the deadline "due to personnel absence". Furthermore, the Intervenors do not even claim that Advanced Solutions' application for certificates of service authority would in any particular way be harmful to their interests or those of the general public. Instead, they merely assert that they seek a "full exploration of the issues raised by this very unique application." None of the assertions of the Intervenors would justify the Commission in

setting aside its approval of Advanced Solutions' application in order to permit the Intervenor to take part in this case.

Their application to intervene was not timely filed and the Intervenor has failed to show good cause to permit their intervention. The application to intervene will be denied.

IT IS THEREFORE ORDERED:

1. That MCImetro Access Transmission Services, LLC's, Brooks Fiber Communications of Missouri, Inc.'s, and MCI WorldCom Communications, Inc.'s Application to Intervene is denied.

2. That this order shall become effective on November 30, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission, at Jefferson
City, Missouri, this 16th day of November 1999.**

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**



**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 16, 1999**

CASE NO: TA-2000-260

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Joe Cosgrove, Esq.
SBC Advanced Solutions, Inc
1010 North St. Mary's, Room 1407
San Antonio, TX 78215

Carl J. Lumley/Leland B. Curtis
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

~~James M. Fischer~~
101 West McCarty Street, Suite 215
Jefferson City, MO 65101

Stephen Morris
MCI Telecommunications Corporation
701 Brazos, Suite 600
Austin, TX 78701

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Uncertified Copy: