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January 13, 2000

VIA AIRBORNE EXPRESS

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
301 West High Street
5th Floor, Room 530
Jefferson City, MO 65101

FILED³
JAN 14 2000
Missouri Public
Service Commission

**Re: Application of Metromedia Fiber
Network Services, Inc.,
Case No. TA-2000-235**

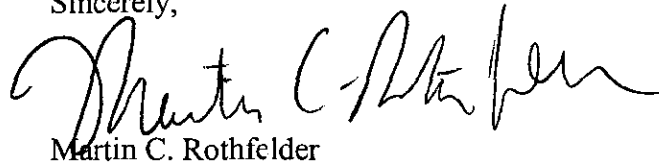
Dear Judge Roberts:

On behalf of Metromedia Fiber Network Services, Inc., (MFNS), enclosed please find an original and fourteen (14) copies of Petition to Amend Application for Certificate of Service Authority and For Competitive Classification and Opposition of Metromedia Fiber Network Services, Inc. to the Application to Intervene by Southwestern Bell Telephone Companies.

In addition, please find an extra copy of each with a self addressed stamped envelope. Please date stamp and mail to us.

If there are any questions regarding this matter, please don't hesitate to contact me.

Sincerely,



Martin C. Rothfelder

MCR/rmc

cc: Martha Hogerty (Office of Public Counsel) (w/enc.) (Via Airborne Express)
Arnold Wadler (w/o enc.)
Karen Nations (w/ enc.)
Dennis Codlin (w/ enc.)
Anthony K. Conroy (via Airborne Express)

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

FILED³
JAN 14 2000

Missouri Public
Service Commission
Service Commission

In the Matter of the Application of)
Metromedia Fiber Network Services, Inc.)
for a Certificate of Service Authority to)
Provide Local Exchange Telecommunications)
Service and Interexchange Telecommunications)
Service in Portions of the State of Missouri and to)
Classify the Company as Competitive)

Case No. TA-2000-335

**OPPOSITION OF METROMEDIA FIBER NETWORK SERVICES, INC.
TO THE APPLICATION TO INTERVENE BY
SOUTHWESTERN BELL TELEPHONE COMPANIES**

Comes now Metromedia Fiber Network Services, Inc. ("MFNS") and objects to the application to intervene filed by Southwestern Bell Telephone Companies ("SWBT") stating in support thereof the following:

- 1) In its application to intervene, SWBT states that it is a direct competitor of MFNS and that as a competitor it should be permitted to intervene in these proceedings.
- 2) This proceeding encompasses two different procedural requests. The first is for a certificate of service authority to provide local exchange telecommunications service under 392.430 RSMo 1994, along with relevant rule waivers that are consistent with MFNS' proposed operations. The second request is to have MFNS classified as competitive under 392.361 RSMo 1994. While the competitive classification process under 392.361 RSMo 1994 contemplates the participation of other telecommunications carriers, the procedure for a certificate of service authority under 392.430 RSMo 1994 does not. However, SWBT's application to intervene is not limited to MFNS' request for classification as competitive.

3) 4 C.F.R. 240-2.075 (4) sets forth the criteria for intervention. SWBT has identified its interest herein as that of a competitor. Although SBWT's interest as a competitor may allow it to intervene in MFNS' request to be classified as competitive under 392.361 RSMo 1994, SBWT's interest is not of the type to permit it to intervene in MFNS' request for a certificate of service authority under 392.430 RSMo 1994. The Public Service Commission statutes regarding market entrance and tariffs and other rules addressed by the regulations concerning applications for a certificate of service authority are consumer protection oriented; i.e., they are designed to protect consumers. With regard to the consumer protection oriented nature of this proceeding, SWBT motion to intervene fails to show any interest of SWBT as a consumer or potential consumer of MFNS services. Moreover, the Office of Public Counsel is charged with representing the interests of the general public. Thus, considering the actual focus of the proceedings, SBWT has shown no interest relevant to the concerns at hand that is different from the interests of the general public with respect to MFNS' request under 392.430 RSMo 1994.

4) SWBT's interest in this proceeding is solely that of a competitor. SWBT's petition fails to indicate why its intervention serves the public interest. SWBT's status as a service provider and competitor of MFNS does not automatically or logically mean that its intervention "would serve the public interest." SWBT's interests as a competitor of MFNS and its apparent concerns regarding competition involve SWBT's corporate interests -- not the advancement of the public's interest.

5) Since SWBT has failed to meet the criteria as set forth under 4 C.F.R. 240-2.075, its application to intervene should be denied.

WHEREFORE, MFNS requests that the Commission deny SWBT's application to
intervene.

Respectfully submitted,

Metromedia Fiber Network Services, Inc.

Date: 1/13/00

By: Martin C. Rothfelder

Martin C. Rothfelder

MO BAR NO. 31794

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