

Paul G. Lane
General Counsel-
Missouri

Southwestern Bell Telephone
One Bell Center, Room 3520
St. Louis, Missouri 63101
Phone 314 235-4300
Fax 314 247-0014



December 29, 1998

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

FILED
DEC 29 1998
Missouri Public
Service Commission

Re: Case No. TO-99-227

Dear Judge Roberts:

Enclosed, for filing in the above-captioned case, are an original and fourteen copies of the reply of Southwestern Bell Telephone Company to Staff's Response to the Office of Public Counsel's Motion to Modify Procedural Schedule.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Paul G. Lane /tm

Paul G. Lane

Enclosure

cc: All Attorneys of Record

230 40

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
DEC 29 1998
Missouri Public
Service Commission

Application of Southwestern Bell Telephone)
Company to Provide Notice of Intent to File)
an Application for Authorization to Provide)
In-Region InterLATA Services Originating)
in Missouri Pursuant to Section 271 of the)
Telecommunications Act of 1996)

Case No. TO-99-227

REPLY OF SOUTHWESTERN BELL TELEPHONE COMPANY TO STAFF'S
RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S
MOTION TO MODIFY PROCEDURAL SCHEDULE

COMES NOW Southwestern Bell Telephone Company (hereafter "SWBT") and
for its Reply to Staff's Response to The Office of the Public Counsel's Motion to Modify
Procedural Schedule (Staff's Response) states as follows:

1. In its Response, Staff proposes an entirely new process that would likely
be an extremely lengthy and resource draining exercise that would not appreciably assist
the Commission in the resolution of the issues presented to it in this case. For the
reasons set forth herein, SWBT respectfully requests the Commission to reject the Staff's
proposal.

2. Staff's Response was filed on December 24, 1998, but was not received by
SWBT until late in the afternoon of December 28, 1998. Accordingly, this is the first
opportunity that SWBT has to respond to the Staff's proposal.

3. Staff essentially requests the Commission to completely eradicate the procedural schedule that it just adopted on December 9, 1998. Staff provides no explanation or rationale, however, of the changed circumstances since the December 9, 1998 Order that would justify such a reversal by the Commission. Staff's proposal is particularly difficult to understand, given that Staff itself authorized SWBT to propose a procedural schedule that is similar (although not identical) to that adopted by the Commission in its December 9, 1998 Order.

4. Staff's proposal is that the Commission scrap the procedural process and encourage the parties to engage in some ill-conceived collaborative process that lacks structure and direction and would simply be a cause for substantial delay and unnecessary use of resources. Staff's proposal hinges on its view that performance parameters are a key element to this case and should be resolved separately. There are at least two major defects with Staff's proposal.

First, the issues involved in a Section 271 filing are substantially broader than the issue of performance parameters. The determination of the public interest, and the satisfaction of the 14 point checklist involve matters in addition to performance parameters. Even within the 14 point competitive checklist, many of the issues do not involve performance parameters, and some of the checklist items do not pertain to performance parameters in any respect (e.g., reciprocal compensation).

Second, a collaborative process is only helpful, if at all, after the Commission has made its determination as to which checklist items have been met, and where deficiencies exist. The collaborative process was used in Texas in this respect, and was designed to expedite the resolution of the deficiencies identified by the Commission. It would be

wholly inappropriate to utilize a collaborative process before the Commission has made its determination as to which checklist items have been met and what deficiencies exist in other checklist items, if any. Without the structure of a Commission decision outlining any deficiencies, a collaborative process would have no reasonable chance of limiting, much less resolving, the issues which the Commission must ultimately decide. It would be an exercise for opponents of SWBT's entry into the interLATA market to devise an ever expanding list of issues and to debate them interminably. Given the incentives of the parties involved, there is simply no reasonable prospect that agreement would be reached on any significant matters without direction and a preliminary decision from the Commission.

5. Nor can it be said that a collaborative process, even following a Commission decision determining any deficiencies in the checklist in Missouri, would necessarily be of value. While the Texas collaborative process was designed to preclude parties from raising new issues, and was instead designed to be an expedited procedure, it actually has been an extremely lengthy process which has required dedication of massive resources that has not led to resolution of many of the issues identified. (Where agreement was reached, however, these matters have generally been adopted by SWBT for use in Missouri.) The Commission may choose to inquire of the parties their relative views of the collaborative process during the hearings scheduled for February 1-11, assuming the Commission believes that such a process will have any value.

WHEREFORE, for all the foregoing reasons, SWBT requests the Commission to reject the Staff's proposal in response to the Motion of the Office of the Public Counsel to Modify the Procedural Schedule in this case.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Paul G. Lane /tm

PAUL G. LANE #27011

LEO J. BUB #34326

ANTHONY K. CONROY #35199

KATHERINE C. SWALLER #34271

Attorneys for Southwestern Bell Telephone Company

One Bell Center, Room 3520

St. Louis, Missouri 63101

(314)235-4300 (Telephone)

(314)247-0014 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply to Staff's Response to The Office of the Public Counsel's Motion to Modify Procedural Schedule was served by first-class, postage prepaid U.S. Mail, on all parties on the attached service list this 29th day of December, 1998.

Paul G. Lane /tm

MARTHA HOGERTY
OFFICE OF THE PUBLIC COUNSEL
301 WEST HIGH STREET, SUITE 250
JEFFERSON CITY, MO 65101

CAROL KEITH
MISSOURI PUBLIC SERVICE COMMISSION
301 WEST HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65101

PAUL S. DEFORD
LATHROP & GAGE
2345 GRAND BLVD, SUITE 2500
KANSAS CITY, MO 64108

TRACY D. PAGLIARA
GTE SERVICE CORPORATION
601 MONROE STREET, SUITE 304
JEFFERSON CITY, MO 65101-3202

JAMES C. STROO
GTE MIDWEST INCORPORATED
1000 GTE DRIVE, MO611LGW
WENTZVILLE, MO 63385

CRAIG S. JOHNSON
ANDERECK, EVANS, MILNE,
PEACE & BAUMHOER
305 EAST MCCARTY
P.O. BOX 1438
JEFFERSON CITY, MO 65102

W. R. ENGLAND, III
BRYDON, SWEARENGEN & ENGLAND
312 EAST CAPITOL
P.O. BOX 456
JEFFERSON CITY, MO 65101

LINDA K. GARDNER
UNITED TELEPHONE COMPANY OF MISS
5454 W 110TH STREET
OVERLAND PARK, KS 66211

CARL J. LUMLEY
LELAND B. CURTIS
CURTIS, OETTING, HEINZ, GARRETT & SOULE, P.C.
130 S. BEMISTON, SUITE 200
CLAYTON, MISSOURI 63105

PAUL H. GARDNER
GOLLER, GARDNER & FEATHER
131 E. HIGH STREET
JEFFERSON CITY, MO 65101

KENNETH A. SCHIFMAN
JULIE GRIMALDI
SPRINT COMMUNICATIONS COMPANY
8140 WARD PARKWAY
KANSAS CITY, MO 64114

STEPHEN MORRIS
MCI TELECOMMUNICATIONS CORPORATION
701 BRAZOS, SUITE 600
AUSTIN, TX 78701

MARK W. COMLEY
NEWMAN, COMLEY & RUTH P.C.
601 MONROE, SUITE 301
P.O. BOX 537
JEFFERSON CITY, MO 65102

MARY ANN YOUNG
WILLIAM D. STEINMEIER
P.O. BOX 10459
JEFFERSON CITY, MO 65102

THOMAS C. PELTO
AT&T COMMUNICATIONS OF THE SOUTHWEST,
INC.
919 CONGRESS AVE., SUITE 1500
AUSTIN, TX 78701-2444

DOUGLAS W. TRABARIS
ELIZABETH HOWLAND
TELEPORT COMMUNICATIONS GROUP
233 S. WACKER DR, SUITE 2100
CHICAGO, IL 60606

ANDREW O. ISAR
TELECOMMUNICATIONS SELLERS ASSOCIATION
4312 92ND AVE., N.W.
P.O. BOX 2461
GIG HARBOR, WA 98335

EDWARD J. CADIEUX
BROOKS FIBER COMMUNICATIONS OF MISSOURI
ONE BROOKS CENTER PARKWAY
TOWN & COUNTRY, MO 63017

DIAL US
333 PARK CENTRAL E
SUITE 926
SPRINGFIELD, MO 65806

DIGITAL TELEPORT, INC.
11111 DORSETT ROAD
ST. LOUIS, MO 63043

DOBSON WIRELESS, INC.
13439 N. BROADWAY EXT., SUITE 200
OKLAHOMA CITY, OK 73114

EXCEL TELECOMMUNICATIONS SYSTEMS, I.
8750 N. CENTRAL EXPRESSWAY
BOX #6
DALLAS, TX 75231

EXOP OF MISSOURI, INC.
402 A E. BANNISTER RD
KANSAS CITY, MO 64131

EZ TALK COMMUNICAITONS LLC
4727 SOUTH MAIN
STAFFORD, TX 77477

FAST CONNECTIONS, INC.
2200 ROSS AVE., SUITE 3838
DALLAS, TX 75201

FRONTIER TELEMAGEMENT INC.
180 S CLINTON
ROCHESTER, NY 14646

GE EXCHANGE
6540 POWER FERRY ROAD
ATLANTA, GA 30339

GROUP LONG DISTANCE, INC.
6455 E JOHNS CROSSING, SUITE 285
DULUTH, GA 30097

GTE COMMUNICAITONS CORP.
6665 N. MACARTHUR
IRVING, TX 75039

ICG TELECOM GROUP, INC.
161 INVERNESS DRIVE WEST
ENGLEWOOD, CO 80112

INTERMEDIA COMMUNICAITONS INC
3625 QUEEN PALM DR
TAMPA, FL 33619

LCI INTERNATIONAL TELECOM CORP
D/B/A/ QWST COMMUNICATIONS SERVICES
4250 N FAIRFAX DR, SUITE 12W055
ARLINGTON, VA 22203

LDD, INC.
24 SOUTH MINNESOTA
APE GIRARDEAU, MO 63701

LDM SYSTEMS, INC
254 S MAIN ST
NEW, NY 10956

LOCAL FONE SERVICE, INC.
624 SIX FLAGS DRIVE, SUITE 214
ARLINGTON, TX 76011

LOCAL LINE AMERICA, INC.
2680 STATE RD
CUYAHOGA FALLS, OH 44223

MARK TWAIN COMMUNICAITONS CO
PO BOX 128
HURDLAND, MO 63547

MAXCOM, INC
10647 WIDMER RD
LENEXA, KA 66215

AMERICAN COMMUNICAITONS SERVICES OF
KANSAS CITY INC.
131 NATIONAL BUSINESS PARKWAY, SUITE 100
ANNAPOLIC JUNCITON, MD 20702

MAX-TEL COMMUNICAITONS INC
102 W. FRANKLIN
ALVORD, TX 76225

BTI
4300 SIX FORKS RD., SUITE 400
RALEIGH, NC 27609

MCLEODUSA TELECOMMUNICATIONS SERVICE
6400 C STREET SW
CEDAR RAPIDS, IA 52406

MEGSINET-CLE, INC.
225 W OHIO, SUITE 200
CHICAGO, IL 60610

MFS INTELENET OF MISSOURI, INC.
1705 S. CAPITAL OF TEXAS HIGHWAY, SUITE 100
AUSTIN, TX 78746

MICOMM SERVICES, INC.
4001 MCEWEN DR, SUITE 200
DALLAS, TX 75244

MICROWAVE SERVICES, INC.
3 BALA PALZA EAST, SUITE 502
BALA CYNWYD, PA 19004

MIDWESTERN TEL
3809 CASTELMAN AVE, SUITE 100
ST. LOUIS, MO 63110

MILLER TELEPHONE CO
209 E MAIN
MILLER, MO 65707

MISSOURI COMM SOUTH, INC
101 RANDOL MILL, SUITE 108
ARLINGTON, TX 76011

NAVIGATOR TELECOMMUNICATIONS, LLC
212 CENTER ST., SUITE 1100
LITTLE ROCK, AR 72201

NOW COMMUNICATIONS, INC
713 COUNTRY PLACE DRIVE
JACKSON, MS 39208-6619

PREFERRED CARRIER SERVICES, INC.
500 GRAPEVINE HWY, SUITE 300
HURST, TX 76054

QCC, INC
8829 BOND STREET
OVERLAND PARK, KS 66214

OMNIPLEX COMMUNICAITONS
743 SPRINT 40 PARK, SUITE 250
CHESTERFIELD, MO 63005

QUINTELCO, INC
1 BLUE HILL PLAZA
PEARL RIVER, NY 10965

RECONNEX
9620 S.W. BARUR BLVD, SUITE 330
PORTLAND, OR 97219

REN-TEL COMMUNICATIONS, INC.
85 PINE HAVEN DR
CARROLLTON, GA 30116

SURETEL, INC.
5 NORTH MCCORMICK
OKLAHOMA CITY, OK 73127

TCG ST. LOUIS
233 S WACKER DR, SUITE 2100
CHICAGO, IL 60606

TEL-LINK, LLC
1001 THIRD AVENUE WEST, USITE 354
BRANDENTON, FL 34205

TEL-SAVE, INCORPORATED OF PENNSYLVANIA
6805 ROUTE 202
NEW HOPE, PA 18938

TELIGENT, INC.
8065 LEESBURG PIKE, SUITE 400
VIENNA, VA 22182

THE CUBE
1063 WIRT RD., SUITE 202
HOUSTON, TX 77005

TANSAMERICAN TELEPHONE
209 E UNIVERSITY
DANTON, TX 76201

U.S. TELCO, INC.
1600 PACIFIC AVENUE #2700
DALLAS, TX 75201-3565

USLD COMMUNICAITONS, INC.
4250 NORTH FAIRFAX DR., 12W002
ARLINGTON, VA 22203

USN COMMUNICATIONS SOUTHWEST, INC.
10 S. RIVERSIDE PLAZA, SUITE 401
CHICAGO, IL 60606

WINSTAR WIRELESS OF MISSOURI, INC.
7799 LEESBURG PIKE, SUITE 401 S
TYSONS CORNER, VA 22043

WORLDCOM TECHNOLOGIES
1705 S CAPITAL OF HEXAS HWY, SUITE 100
AUSTIN, TX 78746

Z-TEL COMMUNICAITONS, INC.
777 S. HARBOUR ISLAND BLVD, SUITE 990
TAMPA, FL 33602

COMCAST TELECOMMUNICATIONS, INC.
D/B/A/ COMCAST LONG DISTANCE
211 SOUTH GULPH RD
KING OF PRUSSIA, PA 19406

MISSOURI CSI CORP
12835 E ARAPAHOE RD., 5TH FLOOR
ENGLEWOOD, CO 80112

TDS ENGINEER, LLC
229 E FOURTH ST., PO BOX 297
CARTHAGE, MO 64836

ACI CORP
7337 S REVERE PARKWAY
ENGLEWOOD, CO 80112

KARL ZOBRIST
BLACKWELL SANDERS PEPER MARTIN
TWO PERSHING SQUARE
2300 MAIN STREET
KANSAS CITY, MO 64108

BARTEL COMMUNICATIONS, INC.
14 CLIF-SIDE
GLENDALE, MO 63122

CAMARATO DISTRIBUTING, INC
900 CAMARATO DR
HERRIN, IL 62948

CHOCTAW COMMUNICAITONS, LC
D/B/A/ SMOKE SIGNAL COMMUNICAITONS
8400 S GESSNER
HOUSTON, TX 77074

DIAL & SAVE OF MISSOURI, INC
8750 N CENTRAL EXPRESSWAY, SUITE 1500
DALLAS, TX 75231

GABRIEL COMMUNICATIONS OF MISSOURI
16650 CHESTERFIELD GROVE RD, SUITE 11
CHESTERFIELD, MO 63005

GTE COMMUNICATIONS CORPORATION
5221 N O'CONNOR BLVD, 13TH FLOOR
IRVING, TX 75039

JATO COMMUNICAITONS CORP
5660 GREENWOOD PLAZA BLVD, SUITE 220
ENGLEWOOD, CO 80111

LEVEL 3 COMMUNICAITONS, LLC
1450 INFINITE DRIVE
LOUISVILLE, CO 80027

NEX-TEL CORPORATION
3050 K STREET, N.W., SUITE 250
WASHINGTON, DC 20007

THE PAGER COMPANY
5321 E 9TH ST
KANSAS CITY, MO 64124

SIMPLY LOCAL SERVICES, INC.
11406 GRAVOIS ROAD, SUITE 100
ST. LOUIS, MO 63126

SUPRA TELECOMMUNICAITONS & INFORMATION
SYSTEMS, INC.
2620 S.W. 27TH AVE
MIAMI, FL 33133

TRANSWIRE MISSOURI OPERATIONS, LLC
8 W 19TH STREET
NEW YORK, NY 10011

UNITED STATES TELECOMMUNICAITONS INC.
D/B/A/ TEL COM PLUS
13902 N. DALE MABRY, SUITE 212
TAMPA, FL 33618

UNIVERSAL TELEPHONE
2611 E. HARRY
WICHITA, KS 67211

AMERITECH COMMUNICATIONS INTERNATIONAL
9525 W RYN MAWR, SUITE 600
ROSEMONT, IL 60018

AT&T COMMUNICAITONS OF THE SOUTHWEST
101 W MCCARTY, SUITE 216
JEFFERSON CITY, MO 65101

ATLAS COMMUNICAITONS, LTD
482 NORRISTOWN RD, SUITE 200
BLUE Bell, PA 19422

BELLSOUTH BSE, INC
2727 PACES FERRY RD
ATLANTA, GA 30339

BIRCH TELCOM OF MISSOURI, INC.
1004 BALTIMORE AVE, SUITE 900
KANSAS CITY, MO 64105

ROBERT MOLTENI
JEREMIAH W. NIXON
ATTORNEY GENERAL OF MISSOURI
P.O. BOX 899
JEFFERSON CITY, MO 65102

MR. JAMES M. FISCHER
101 W. MCCARTY, SUITE 215
JEFFERSON CITY, MO 65101