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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of February, 1998.

In the Matter of Southwestern Bell	)	
Telephone Company's Tariff Filing to	)	
Revise its Wireless Carrier	)	<u>CASE NO. TT-97-524</u>
Interconnection Service Tariff,	)	
PSC Mo.-No. 40.	)	

ORDER APPROVING TARIFF

This case involves the attempts of Southwestern Bell Telephone Company (SWBT) to file proposed tariff revisions to its P.S.C. MO. No. 40, Wireless Carrier Interconnection Service Tariff. The Missouri Public Service Commission (Commission) issued its Report And Order on December 23, 1997, which became effective January 6, 1998. In its Report And Order, the Commission rejected the tariff revisions filed by SWBT on June 5, 1997, as amended on July 9, 1997, but instead directed SWBT to file tariff revisions consistent with its Report And Order. On January 8 SWBT filed new tariff revisions intended to comply with the Commission's directive in its Report And Order. The new tariff revisions bear an effective date of February 6.

The Staff of the Commission (Staff) filed a memorandum containing its recommendation on January 22. Staff notes that the Commission's order directed SWBT to file a new tariff revision containing language similar to the language originally proposed in SWBT's June 5 filing. Staff quotes the language from the June 5 filing, and the current language filed on January 8. Staff points out that in the proposed revision, SWBT has strengthened the indemnification language to include provisions for the wireless carrier to defend and hold SWBT harmless against charges from

other telecommunications carriers, including SWBT's expenses. Staff has examined SWBT's proposed tariff language and believes the language is similar to that contained in SWBT's June 5 filing, since the revision is identical with the exception of the indemnification clause. Staff believes the revised indemnification language is not contrary to the Commission's Report And Order, and has no objections to the language. Staff recommends that SWBT's proposed tariff revisions be approved as submitted.

Staff submits that the final outcome of this case may have some bearing on the interconnection agreements filed between SWBT and wireless carriers, such as Case No. TO-98-219, involving Southwestern Bell Wireless, Inc., and Case No. TO-98-235, involving Dobson Cellular Systems, Inc.

The Commission has reviewed its Report And Order, SWBT's tariff filing of January 8, and Staff's recommendation, and finds that the proposed tariff revisions are in compliance with the Commission's Report And Order. The Commission directed SWBT to file tariff language that was similar but not necessarily identical to the language contained in its original June 5 tariff filing. The Commission rejected SWBT's tariff filing because one of the provisions contained in a substitute sheet filed on July 9 was unenforceable. The Commission further found that the original version of this provision filed on June 5 did not share the same problem. While the Commission found SWBT's interpretation of its indemnity language unreasonable, the Commission did not find the indemnity language itself to be unreasonable, therefore, SWBT's changes to its indemnity language are not inconsistent with the Commission's Report And Order. The Commission will therefore approve the tariff revisions as submitted.

IT IS THEREFORE ORDERED:

1. That the revisions filed by Southwestern Bell Telephone Company

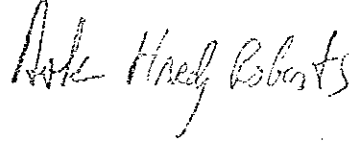
(to its Wireless Carrier Interconnection Service Tariff on January 8, 1998
are approved to become effective on and after February 6, 1998:

P.S.C. MO. No. 40

4th Revised Sheet No. 1 Replacing 3rd Revised Sheet No. 1
4th Revised Sheet No. 2 Replacing 3rd Revised Sheet No. 2
5th Revised Sheet No. 3 Replacing 4th Revised Sheet No. 3
4th Revised Sheet No. 16.02 Replacing 3rd Revised Sheet No. 16.02
3rd Revised Sheet No. 16.03 Replacing 2nd Revised Sheet No. 16.03
3rd Revised Sheet No. 17 Replacing 2nd Revised Sheet No. 17

2. That this order shall become effective on February 6, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton,
Murray, and Drainer,
CC., Concur.

Bensavage, Regulatory Law Judge

RECEIVED

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION