

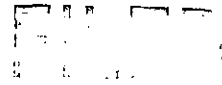
Anthony K. Conroy  
Senior Counsel

Southwestern Bell Telephone  
One Bell Center, Room 3510  
St. Louis, Missouri 63101  
Phone 314 235-8060  
Fax 314 351-2193



12/21/98

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



DEC 21 1998

Missouri Public  
Service Commission

Re: Case No. TO-99-227

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and 14 copies of Response Of Southwestern Bell Telephone Company To The Office Of Public Counsel's Motion To Modify Procedural Schedule.

Please stamp "Filed" on the extra copy and return the copy to me in the enclosed self-addressed, stamped envelope.

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

Very truly yours,

*Anthony K. Conroy / tm*

Anthony K. Conroy

Enclosure

28

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

**FILED**  
DEC 21 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

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

COMES NOW Southwestern Bell Telephone Company (SWBT) and for its Response in Opposition to the Office of Public Counsel's (OPC's) Motion to Modify Procedural Schedule, states as follows:

1. In its Motion to Modify, OPC once again asserts that the Missouri Public Service Commission (Commission) should ignore its previous decision in Case No. TO-97-56, ignore its December 9, 1998, Order in which it adopted a procedural schedule, and instead adopt what amounts to a significantly delayed and open-ended procedural schedule in this proceeding. OPC vaguely suggests that hearings should be held "in May" (instead of February 1-5 and 8-11, 1998, as currently scheduled by the Commission) and proposes no timeframe in which the Commission could be expected to finalize its recommendation to the Federal Communications Commission (FCC).

2. The arguments raised by OPC to support its efforts to delay this proceeding are the same arguments it made in its December 3, 1998, Response to motions filed by AT&T, MCI and Staff regarding proposed procedural schedules. In summary, OPC asserts that the Commission should scrap the reasonable procedural schedule it adopted in its December 9, 1998, Order and instead delay this proceeding further, so that OPC would have more time to prepare its

opposition to SWBT's Application.<sup>1</sup> However, OPC does not and cannot point to any change in circumstances which would justify the Commission abandoning the procedural schedule it adopted less than two weeks ago. Like Staff, SWBT and AT&T, OPC had the opportunity to propose a procedural schedule in its December 3, 1998, Response but expressly chose not to do so. (OPC Response at p. 2). Remarkably, OPC still has not proposed a complete procedural schedule.

3. The procedural schedule adopted by the Commission on December 9, 1998, is very similar to the procedural schedule proposed by the Commission Staff, which SWBT communicated to the Commission on December 4, 1998. The schedule already adopted by the Commission, calls for Rebuttal Testimony to be filed by January 7, 1999, Surrebuttal Testimony filed by January 15, 1999, and hearings to be conducted February 1-5 and 8-11, 1999. This schedule was predicated on SWBT certifying to the Commission that it had served all parties in Case No. TO-97-56 with a copy of SWBT's Application as of December 2, 1998. It is important to remember, however, that OPC received its initial copy of SWBT's Application on November 20, 1998, the same day it was filed with the Commission. As a result, OPC has now had over a month to review SWBT's Application and begin preparing its opposition. In addition, in the past few weeks OPC has requested and has been provided two additional copies of SWBT's Application, and has submitted two sets of data requests to SWBT, which leads SWBT to believe that OPC has already formulated its position and begun preparing its opposition to SWBT's Application.

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<sup>1</sup> OPC's filing makes clear that it is opposed to SWBT's Application asserting that the docket will determine whether SWBT will be permitted to "overwhelm and dominate" the Missouri telecommunications market. (OPC Motion at p. 2).

4. SWBT does not believe any party, and particularly OPC (which received SWBT's Application over a month ago) is disadvantaged by the procedural schedule already adopted by the Commission. The current procedural schedule permits the Commission to conduct a full and fair hearing and reach a decision in a reasonable timeframe, and should not be scrapped by the Commission.

WHEREFORE, for the reasons described above, SWBT respectfully requests that the Commission deny OPC's Motion to Modify Procedural Schedule.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Anthony K. Conroy/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 document was served by first-class postage prepaid, U.S. Mail to all parties on the attached Service List on December 21, 1998.

Anthony K. Conroy/TM  
Anthony K. Conroy

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 MISSOURI  
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, INC.  
8750 N. CENTRAL EXPRESSWAY  
BOX #6  
DALLAS, TX 75231

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

EZ TALK COMMUNICATTONS 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 SERV  
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  
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

ADVANCED COMMUNICATIONS GROUP, INC  
390 WOODSVILLE RD SOUTH, SUITE 150  
ST. LOUIS, MO 63017

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, I  
16650 CHESTERFIELD GROVE RD, SUITE 110  
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 SOUTHW  
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