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December 21, 1998

FILED

DEC 21 1998

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: Case No. TO-99-227, Southwestern Bell Telephone Company Section 271

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and fourteen copies of the Application For Participation Without Intervention filed on behalf of the City of Springfield, Missouri through the Board of Public Utilities. Copies of this filing and cover have been sent this date to all parties of record as listed in the Commission's Order issued on December 9, 1998. Thank you.

Sincerely,

Brent Stewart

Brent Stewart

CBS/bt

Enclosure

cc: All parties of record
Andy Dalton

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

FILED

DEC 21 1998

Missouri Public
Service Commission

In the Matter of the Application of)
Southwestern Bell Telephone Company to)
Provide Notice of Intent To File an)
Application for Authorization to Provide) Case No. TO-99-227
In-region InterLATA Services Originating)
in Missouri Pursuant to Section 271 of the)
Telecommunications Act of 1996.)

**APPLICATION FOR
PARTICIPATION WITHOUT INTERVENTION**

Comes now the City of Springfield, Missouri, through the Board of Public Utilities ("CUS"), by and through its counsel and pursuant to 4 CSR 240-2.075, and for its Application For Participation Without Intervention, in the above-captioned cause respectfully states as follows:

1. Applicant is a constitutional charter city existing and operating pursuant to Article VI, Sections 19 and 19(a) of the Constitution of the State of Missouri. Pursuant to Article XVI of the City Charter, Applicant provides utility services to the public through its Board of Public Utilities. Applicant's principal office is located at 301 West Central, P.O. Box 551, Springfield, Missouri 65801-0551.

2. The names, titles and addresses of the persons to whom all correspondence, communications, orders and decisions in this matter are to be sent are:

Charles Brent Stewart
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201

Andy Dalton
City Utilities of Springfield
P.O. Box 551
Springfield, Missouri 65801-0551

3. In its Order issued on December 9, 1998 in this case the Commission, *inter alia*, granted numerous interventions of various Missouri telecommunications service providers and

further ordered that its Records Department send notice of the opportunity to intervene to all interexchange and local exchange telecommunications companies. By virtue of the Commission's Report and Order issued on July 11, 1997 in Case No. TA-97-313, Applicant CUS was authorized and certificated by the Commission to provide interexchange and local exchange telecommunications services in Missouri.

4. Applicant CUS has a direct interest in this proceeding because it currently provides competitive interexchange and local exchange telecommunications services pursuant to its Commission-approved certificate and because the Commission's decision herein may affect CUS's interests as a provider of such competitive telecommunications services in the future. In addition, as a municipally owned and operated utility, CUS's interests are unique and different than all other parties to this case and those of the *general* public.

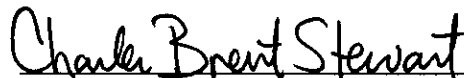
5. CUS at this time opposes Southwestern Bell Telephone Company's request for authorization to provide in-region InterLATA services originating in Missouri because, even with the presence of competitive local exchange companies in some areas of the State, including Springfield, competition at the local level is non-existent. CUS is a certificated provider of intrastate interexchange and local exchange telecommunications services whose provision of certain types of services are restricted by state law. As such, CUS maintains that local competition necessary to meet the requirements of Section 271 does not exist in Springfield and, in fact, has been thwarted by the actions of Southwestern Bell Telephone Company.

6. Granting CUS's request to participate without intervention should not in any way prejudice any other party to the proceeding. CUS is willing to abide by the procedural schedule already established, will not be seeking discovery of proprietary or highly

confidential information filed by other parties, and is not planning to file testimony at this time. CUS, however, will desire to attend the scheduled prehearing conference and evidentiary hearing, and perhaps, make an opening statement at the hearing and file a brief or briefs. CUS's unique position as the only Commission-certificated, municipally-owned and operated provider of competitive interexchange and local exchange telecommunications services in Missouri will assist the Commission in providing its recommendation to the Federal Telecommunications Commission on Southwestern Bell's Section 271 Application.

WHEREFORE, having stated grounds for its request for participation without intervention in this case pursuant to 4 CSR 240-2.075, Applicant CUS requests that the Commission permit Applicant CUS to participate without intervention in this proceeding.

Respectfully submitted,



Charles Brent Stewart, MoBar #34885
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
(573) 499-0635

ATTORNEY FOR APPLICANT
CITY OF SPRINGFIELD, MISSOURI,
THROUGH THE BOARD OF PUBLIC
UTILITIES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing application was sent to all parties of record, as listed in the Commission's Order dated December 9, 1998 in Case No. TO-99-227, by depositing same in the United States Mail, or by hand-delivery, this 21st day of December, 1998.

