

O'CONNOR, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 97-2045

SOUTH CENTRAL BELL TELEPHONE COMPANY,
ET AL., PETITIONERS v. ALABAMA ET AL.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF ALABAMA

[March 23, 1999]

Justice O'Connor, concurring.

I join the opinion of the Court, and I agree that the State's failure to properly raise its challenge to our negative Commerce Clause jurisprudence supports a decision not to pass on the merits of this claim. *Ante*, at 10. I further note, however, that the State does nothing that would persuade me to reconsider or abandon our well-established body of negative Commerce Clause jurisprudence.