

THOMAS, J., concurring

**SUPREME COURT OF THE UNITED STATES**

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No. 97–2045  
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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 THOMAS, concurring.

I join the opinion of the Court. I agree that it would be inappropriate to take up the State’s invitation to reconsider our negative Commerce Clause doctrine in this case because “the State did not make clear it intended to make this argument until it filed its brief on the merits.” *Ante*, at 10.