

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

In the Matter of the Agreement between	)	
SBC Communications, Inc. and Sage	)	Case No. TO-2004-0576
Telecom, Inc.	)	

**REQUEST TO INTERVENE  
OF  
XSPEDIUS COMMUNICATIONS**

COME NOW Xspedius Management Co. Switched Services, LLC, d/b/a Xspedius Communications, and Xspedius Management Co. of Kansas Ctiy, LLC, d/b/a Xspedius Communications, hereinafter referred to as "Xspedius," by and through counsel, and file their Request to Intervene in this case pursuant to Section 386.420 RSMo and 4 CSR 240-2.075. In support of this request, Xspedius states as follows:

1. Xspedius Management Co. Switched Services, LLC, d/b/a Xspedius Communications, and Xspedius Management Co. of Kansas City, LLC, d/b/a Xspedius Communications are Delaware limited liability companies authorized to do business in the State of Missouri. Documentation from the Missouri Secretary of State's office is on file with the Commission in Case Nos. TA-2002-1153, TA-2002-1154, XN-2003-0463 and CN-2003-0462, and is incorporated by reference herein.
2. The principal place of business address for Xspedius Communications is 5555 WingHaven Boulevard, Suite 300, O'Fallon, Missouri (MO) 63366. Its telephone number is 636-625-7000 and its fax number is 636-625-7189.
3. Xspedius is a competitive telecommunications company authorized to provide competitive basic local exchange, local exchange and interexchange telecommunications services in the State of Missouri.

4. All communications and pleadings in this case should be directed to:

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5. Xspedius seeks to intervene in this proceeding because the Commission's decision could adversely affect Xspedius' interests as a provider of competitive telecommunications services, in particular with respect to Xspedius' rights under Section 252, subsections (e) and (i) of the Telecommunications Act of 1996. The Commission should only approve agreements that comply with subsection (e) and should make certain that agreements are available under subsection (i).
6. Xspedius' interests as a telecommunications company in a competitive market are different from those of the general public. In addition, Xspedius' intervention in this proceeding is in the public interest because of Xspedius' interest in enhancing competition and because of its expertise in the telecommunications industry.

7. Xspedius supports issuance of an order requiring SBC Missouri and Sage to file their agreements with the Commission.

WHEREFORE, for the foregoing reasons, Xspedius Management Co. Switched Services, LLC, d/b/a Xspedius Communications, and Xspedius Management Co. of Kansas Ctiy, LLC, d/b/a Xspedius Communications, respectfully request the Commission to issue an order granting this Request to Intervene.

Respectfully submitted,

**/s/ William D. Steinmeier**

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COUNSEL FOR XSPEDIUS  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document has been hand delivered, mailed (postage prepaid) or transmitted electronically, this 21<sup>st</sup> day of May 2004, on the Office of Public Counsel, the Commission's General Counsel, and counsel for all parties of record in this matter as shown on the service list attached.

**/s/ William D. Steinmeier**

William D. Steinmeier

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