

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

SOUTHWESTERN BELL TELEPHONE, L.P.)	
D/B/A SBC MISSOURI'S PETITION FOR)	
COMPUSORY ARBITRATION OF)	Case No. TO-2005-0336
UNRESOLVED ISSUES FOR A SUCCESSOR)	
AGREEMENT TO THE MISSOURI 271)	
AGREEMENT ("M2A"))	

**RESPONSE OF KMC DATA, INC. AND KMC TELECOM III, LLC TO
SBC MISSOURI'S PETITION FOR ARBITRATION**

COME NOW KMC Data, Inc. and KMC Telecom III, LLC (collectively, "KMC") to file their Response to the Petition for Arbitration and Motion for Issuance of Order of Notification, filed by Southwestern Bell Telephone, L.P. d/b/a SBC Missouri ("SBC") on March 31, 2005. KMC states that it has just received on Friday, April 22, 2005, a Memorandum of Understanding with SBC Missouri in which KMC will indicate that it did not intend to engage in bilateral negotiations to develop a successor agreement or to participate in arbitration proceedings. Pursuant to the Memorandum of Understanding that KMC expects to sign, KMC will agree to adopt, pursuant to Section 252(i) of the Federal Telecommunications Act, one of the successor agreements resulting from this arbitration.

KMC submits that it should be included on the list of companies on SBC's Exhibit 2, which identifies companies that signed and submitted a Memorandum of Understanding to SBC Missouri. At such time as KMC signs and submits to SBC Missouri the Memorandum of Understanding, KMC will file a copy of the document in this docket.

Respectfully submitted,

CURTIS, HEINZ,
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/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

A true and correct copy of the forgoing was served this 25th day of April, 2005, by email or by placing same in the U.S. Mail postage paid, to the persons listed on the attached service list.

/s/ Carl J. Lumley

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