

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Determination of Prices,)
Terms, and Conditions of Certain Unbundled) Case No. TO-2005-0037
Network Elements. Consideration Upon Remand)
from the United States District Court.)

DIECA COMMUNICATIONS, INC.
d/b/a COVAD COMMUNICATIONS COMPANY
REQUEST TO INTERVENE

COMES NOW DIECA Communications, Inc. d/b/a Covad Communications Company (“Covad”) pursuant to 4 CSR 240-2.075, and for its Request to Intervene states to the Commission:

1. DIECA Communications, Inc. is a Virginia corporation in good standing duly authorized to conduct business in Missouri with regulatory offices at 110 Rio Robles, San Jose, California 95134, doing business under the name Covad Communications Company. Covad is authorized as a competitive local exchange carrier under a certificate granted by the Commission.

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

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3. On or about August 3, 2004, the Commission issued an Order creating this case for the purpose of reconsidering the issues remanded to the Commission by the United States District Court on appeal from the Commission's Report and Order in Case No. TO-2001-438. In such Order the Commission made all parties to Case No. TO-2001-438 parties to this proceeding. The

Commission on September 24, 2004, issued an Order setting Oral Arguments in this proceeding for October 18, 2004.

4. Covad seeks to intervene in this proceeding because the Commission's decision could affect Covad's interests as a provider of local telecommunications services. Covad supports the positions advocated in this case by NuVox, AT&T, TCG, XO, Allegiance and MCImetro.

5. Covad's interests as a telecommunications company are different from those of the general public. Furthermore, Covad's intervention in this proceeding is in the public interest because of Covad's interest in enhancing competition and because of its expertise in the telecommunications industry.

6. There is good cause to grant Covad's request, in that Covad will contribute to the discussion of the issues. Covad was only recently able to determine that it could devote the necessary resources to this matter. No party will be adversely affected by granting the request.

WHEREFORE, DIECA Communications, Inc. d/b/a Covad Communications Company, respectfully requests the Commission to issue its order granting Covad's Request to Intervene.

CURTIS, HEINZ, GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 5th day of October, 2004, by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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