

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of an Amendment Superseding)
 Certain 251/252 Matters between Southwestern) Case No. TO-2004-0584
 Bell Telephone, L.P., and Sage Telecom, Inc.)

NUVOX COMMUNICATIONS OF MISSOURI, INC.'s
REQUEST TO INTERVENE

COMES NOW NuVox Communications of Missouri, Inc. (NuVox) pursuant to 4 CSR 240-2.075, and for its Request to Intervene states to the Commission:

1. NuVox is a competitive telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Delaware and authorized to do business in the State of Missouri as a foreign corporation. Its principal Missouri offices are currently located at 16090 Swingley Ridge Road, Suite 500, Chesterfield, Missouri 63017. NuVox is an authorized provider of intrastate local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission. NuVox is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission.

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

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3. On or about May 14, 2004 the Commission Staff filed an Application to Open Case to review amendment to the Missouri 271 Interconnection Agreement. The Commission has not yet ruled on the Application, but appears to be proceeding on the merits given its July 1, 2004 notice of oral argument and the proceedings held on July 8, 2004.

4. NuVox seeks to intervene in this proceeding because the Commission's decision could adversely affect NuVox's interests as a provider of local telecommunications services, in particular with respect to NuVox's 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 sure that agreements are available under subsection (i).

5. NuVox's interests as a telecommunications company are different from those of the general public. Furthermore, NuVox's intervention in this proceeding is in the public interest because of NuVox's interest in enhancing competition and because of its expertise in the telecommunications industry. NuVox opposes approval of the submitted Agreement. The amendment is discriminatory, in that Section 6.6 requires that the parties must contemporaneously sign a specific additional agreement that is available only to Sage. Hence, the amendment is not available to any other company. Further, approval of the amendment would be against the public interest, as it is an incomplete document as demonstrated in Case No. TO-2004-0576.

WHEREFORE, NuVox Communications of Missouri, Inc., respectfully requests the Commission to issue its order granting NuVox'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 9th day of July, 2004, by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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