

Regulatory and
Governmental Affairs



601 Monroe Street, Suite 304
Jefferson City, MO 65101
Fax 573.636.6826

April 23, 2002

FILED

APR 23 2002

Missouri Public
Service Commission

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APR 23 2002

Mr. Dale Hardy Roberts
Secretary/Chief Administrative Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

Missouri Public
Service Commission

Subject: ADOPTION BY ICG TELECOM GROUP, INC. OF THE
VERIZON CALIFORNIA INC. F/K/A GTE CALIFORNIA
INCORPORATED/ICG TELECOM GROUP, INC.
INTERCONNECTION AGREEMENT, PURSUANT TO THE
MEMORANDUM OPINION AND ORDER OF THE FEDERAL
COMMUNICATIONS COMMISSION IN CC DOCKET NO. 98-184


Dear Mr. Roberts:

Enclosed for filing with the Commission are the original and eight (8) copies of GTE Midwest Incorporated d/b/a Verizon Midwest's ("Verizon") Notice of Adoption of Interconnection Agreement ("Notice of Adoption"). This Notice of Adoption pertains to the adoption by ICG Telecom Group, Inc. of the previously-approved Interconnection Agreement between Verizon California Inc. f/k/a GTE California Incorporated and ICG Telecom Group, Inc., approved by the California Public Utilities Commission in Resolution T-16631 ("Underlying Agreement"). As directed by the Missouri Public Service Commission on January 4, 1999, an original and five (5) copies of the approved Underlying Agreement are enclosed with this filing.

This interstate adoption is being filed to comply with paragraph 32 of the BA/GTE merger conditions, released by the FCC on June 16, 2000 in CC Docket No. 98-184.

Thank you for your assistance in this matter.

Sincerely,


Thomas R. Parker
Vice President &
Associate General Counsel

TRP:am

Enc.

c: Service List

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
APR 23 2002

THE MATTER OF THE ADOPTION OF THE VERIZON)
CALIFORNIA INC., F/K/A GTE CALIFORNIA)
INCORPORATED/ICG TELECOM GROUP, INC.)
INTERCONNECTION AGREEMENT BY ICG)
TELECOM GROUP, INC. PURSUANT TO)
PARAGRAPH 32 OF THE BA/GTE MERGER)
CONDITIONS RELEASED BY THE FCC IN CC)
DOCKET NO. 98-184 UNDER PURA 95 AND THE)
TELECOMMUNICATIONS ACT OF 1996)

Missouri Public
Service Commission

CASE NO. _____

NOTICE OF ADOPTION OF INTERCONNECTION AGREEMENT

COMES NOW, GTE Midwest Incorporated d/b/a Verizon Midwest ("Verizon"), respectfully files this Notice of Adoption of Interconnection Agreement ("Notice of Adoption") as permitted by 4 CSR 240-2.080 (3).¹ In connection with this filing, Verizon states as follows:

1. Verizon is engaged in the business of providing local, access, toll and other telecommunications services. The principal office of Verizon is 601 Monroe Street, Suite 304, Jefferson City, Missouri 65101.

¹ Verizon is filing this Notice of Adoption consistent with the manner approved by the Commission in Case Nos. TO-2000-756, -757 and -758.

The designated contact for purposes of the above-captioned, adopted Agreement is:

Dave Evans
Director-Regulatory Affairs
Verizon
601 Monroe Street, Suite 304
Jefferson City, MO 65101
Telephone: 573-636-7196
Fax: 573-636-6826
e-mail: dave.evans@verizon.com

2. Pursuant to paragraph 32 of the BA/GTE Merger Conditions ("Merger Conditions"), released by the FCC on June 16, 2000 in CC Docket No. 98-184, ICG Telecom Group, Inc. ("ICG") notified Verizon that it desired to adopt the terms of the Interconnection Agreement ("Terms") between Verizon California, Inc. f/k/a GTE California Incorporated ("Verizon California") and ICG Telecom Group, Inc. ("ICG") approved by the California Public Utilities Commission ("California Commission") in Resolution T-16631 ("Underlying Agreement"). Subsequent to this, Verizon and ICG signed a cover letter relating to ICG's adoption of the Terms. A copy of said cover letter is attached to this filing as Attachment 1.

A copy of the California Commission's February 7, 2002, Resolution approving the Underlying Agreement is attached hereto as Attachment 2. A copy of the approved Underlying Agreement between Verizon California and ICG, for adoption by ICG, is included in Attachment 1 as Appendix 1. As described in the Resolution, the California Commission approved the Underlying Agreement pursuant to Section 252(e) of the Federal Act by finding that it was consistent with the public interest, convenience and necessity and did not discriminate against any telecommunications carrier.

Accordingly, the Terms are adopted by ICG and will apply to ICG and Verizon pursuant to paragraph 32 of the BA/GTE Merger Conditions ("Merger Conditions"), released by the FCC on June 16, 2000 in CC Docket No. 98-184. Please note that the Merger Conditions exclude the following provisions from the interstate adoption requirements: state-specific pricing, state-specific performance measures, provisions that incorporate a determination reached in an arbitration conducted in the relevant state under 47 U.S.C. Section 252, provisions that incorporate the results of negotiations with a state commission or telecommunications carrier outside of the negotiation procedures of 47 U.S.C. Section 252(a)(1), and provisions from the ICG/Verizon California agreement that are not required pursuant to Section 251(c) of the Telecommunications Act of 1996 (the "Act")."

Verizon is not voluntarily entering the Terms with ICG and does not waive any rights and/or remedies it has concerning its position as to the illegality or unreasonableness of the Terms. Verizon contends that certain provisions of the Terms may be void or unenforceable as a result of the United States Eighth Circuit Court of Appeals' July and October 1997 decisions, the Supreme Court of the United States' decision of January 25, 1999 and the remand of the pricing rules to the United States Eighth Circuit Court of Appeals and U.S. Supreme Court. Verizon is preserving its legal positions in every respect as to the Terms in the hands of ICG for Missouri, as well as in the hands of ICG for California.

WHEREFORE, Verizon respectfully submits this Notice of Adoption of Interconnection Agreement and requests that the Commission take notice of such adoption pursuant to its authority to regulate telecommunications carriers in the state of Missouri.

Respectfully submitted,

GTE MIDWEST INCORPORATED
d/b/a Verizon Midwest

By:


Thomas R. Parker, Bar #0028806
601 Monroe Street, Suite 304
Jefferson City, MO 65101-3202
TEL (972) 718-6361
FAX (972) 718-3403
e-mail: tom.parker@verizon.com

THEIR ATTORNEY

VERIFICATION

I, Steve Banta, under penalty of perjury, certify as follows:

I am an Officer of the Company – President of GTE Midwest Incorporated d/b/a Verizon Midwest ("Verizon"). I am authorized to make this verification on behalf of Verizon. I have read the foregoing "Notice of Adoption of Interconnection Agreement" and know the contents thereof, and the facts stated therein are true and correct to the best of my knowledge, information and belief.

Executed in the State of Missouri on this 23 day of April, 2002.



Steve Banta
President
GTE Midwest Incorporated
d/b/a Verizon Midwest

Sworn before me and subscribed in my presence by Steve Banta this 23 day of April, 2002.


Notary Public

BECKY POWELL
NOTARY PUBLIC, STATE OF MISSOURI
COUNTY OF COLE
MY COMMISSION EXPIRES MAY 8, 2005



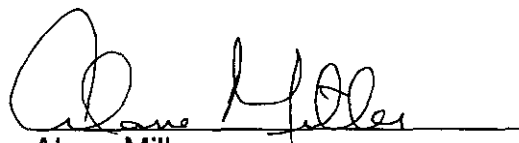
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was hand-delivered to Dale Hardy Roberts, Secretary/Chief Administrative Law Judge, Missouri Public Service Commission, 200 Madison Street, Suite 100, Jefferson City, Missouri 65101 and was mailed, postage prepaid, this 23rd day of April, 2002 to the following:

Office of the Public Counsel
200 Madison Street
Jefferson City, MO 65101

Dana K. Joyce, General Counsel
Missouri Public Service Commission
200 Madison Street, 5th Floor
Jefferson City, MO 65101

Cheryl Hills
ICG Telecom Group, Inc.
180 Grand Avenue, Suite 450
Oakland, CA 94612



Alane Miller