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April 3, 2000

VIA HAND DELIVERY

Mr. Dale Roberts
Executive Secretary
Missouri Public Service Commission
301 West High Street, Suite 530
Jefferson City, Missouri 65101

FILED²

APR 03 2000

Missouri Public
Service Commission

Re: *In the Matter of the Petition of DIECA Communications, Inc. d/b/a Covad Communications Company for Arbitration of Interconnection Rates, Terms, Conditions and Related Arrangements With Southwestern Bell Telephone Company*
Case No. TO-2000-322

Dear Mr. Roberts:

Enclosed for filing with the Commission is DIECA Communications, Inc. d/b/a Covad Communications Company's Motion for Clarification and/or Modification. The original and 14 copies of this document will be forwarded by Federal Express for delivery on April 4, 2000.

Please do not hesitate to contact me if you should have any questions. Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Lisa C. Creighton /cmw
Lisa C. Creighton

LCC/cmw
Enclosures

cc: Office of Public Counsel
Office of General Counsel

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED²

APR 03 2000

Missouri Public
Service Commission

Petition of Dieca Communications, Inc. §
d/b/a Covad Communications Company §
for Arbitration of Interconnection Rates, §
Terms, Conditions and Related Arrangements §
with Southwestern Bell Telephone Company §

CASE NO. TO-2000-322

**DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS
COMPANY'S MOTION FOR CLARIFICATION AND/OR MODIFICATION**

COMES NOW, DIECA Communications, Inc. D/B/A Covad Communications Company and files with this Commission its Motion for Clarification and/or Modification.

1. On March 23, 2000, this Commission issued its Arbitration Order in this docket. Although the Commission approved the proposed rates of Southwestern Bell Telephone Company ("SWBT") for line conditioning and ISDN UNE recurring costs, it ordered SWBT to prepare new cost studies "based upon verified data and facts and actual time and motion studies" and to file those cost studies with the Commission within six months. (Arbitration Order at 14; *accord* Arbitration Order at 15.)

2. The Commission also noted Staff's concern that "the imposition of significant up-front conditioning charges will discourage the entry of competition in the provision of xDSL services" (Arbitration Order at 12 -13.) In addition, Commissioner Lumpe expressed concern about the inclusion of costs for restoral of bridged taps in SWBT's cost studies for line conditioning. (Arbitration Order at 23.)

3. Covad respectfully suggests that the Commission's order requiring SWBT to refile its cost studies in six months, as well as the concurring opinion of Commissioner Lumpe,

implies that SWBT's present cost studies and the rates derived from such studies are inaccurate. Because unverified and inflated UNE rates will discourage the entry of competitive DSL carriers into Missouri, Covad requests this Commission to clarify its earlier order, requiring SWBT and Covad to "true-up" (*i.e.*, true up or down) all rates paid for line-conditioning and ISDN recurring charges to the final rates established by this Commission after the filing of SWBT's revised cost studies.


4. The relief requested by Covad will not prejudice either party to this arbitration. If the actual costs of line-conditioning and ISDN UNEs are higher than SWBT's proposed rates, the relief sought by Covad will allow SWBT to receive compensation for those costs. If the actual costs of line-conditioning and ISDN UNEs are lower than SWBT's proposed rates, the requested relief will prevent SWBT from receiving a windfall on such UNEs during the interim period between the Commission's Arbitration Order and the determination of final rates.

WHEREFORE, DIECA Communications, Inc. d/b/a Covad Communications Company requests that for all of the reasons stated above, this Commission grant Covad the relief it requests in its Motion for Clarification and/or Modification.

Respectfully submitted,

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ATTORNEYS FOR DIECA COMMUNICATIONS, INC.
D/B/A COVAD COMMUNICATIONS COMPANY

CERTIFICATE OF SERVICE

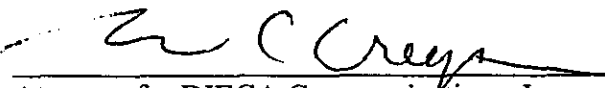
I hereby certify that a true and correct copy of the above and foregoing was forwarded via Federal Express, this 3d day of April, 2000, to:

Paul G. Lane, Esq.
Southwestern Bell Telephone
One Bell Central, Room 3516
St. Louis, Missouri 63101

William K. Haas, Esq.
Office of General Counsel
301 West High Street, Room 530
Jefferson City, Missouri 65101

With copies being mailed on the same date, postage prepaid, to:

Office of the Public Counsel
301 West High Street
Suite 250
Jefferson City, Missouri 65101



Attorney for DIECA Communications, Inc.
d/b/a Covad Communications Company