

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Southwestern Bell Telephone, L.P., d/b/a SBC Missouri's )	
Petition for Compulsory Arbitration of Unresolved Issues )	
For a Successor Interconnection Agreement to the )	Case No. TO-2005-0336
Missouri 271 Agreement ("M2A") )	

**NOTICE REGARDING NON-RESPONDING CLECS**

SBC Missouri<sup>1</sup> respectfully wishes to advise the Missouri Public Service Commission ("Commission") that pursuant to the Final Arbitrator's Report, which was adopted by the Commission,<sup>2</sup> SBC Missouri will be providing service to the following CLECs under SBC Missouri's Generic Successor ICA<sup>3</sup> approved by the Commission in this case:

Cat Communications International, Inc.  
ICG Telecom Group, Inc.  
Victory Communications, Inc.

As explained in the Final Arbitrator's Report, SBC Missouri in its Petition for Arbitration identified approximately 19 CLECs that had failed to respond to SBC Missouri's request to negotiate a successor interconnection agreement and these non-responding CLECs were made parties to the Arbitration. In his Report, the Arbitrator ruled that SBC Missouri must continue to serve these non-responding CLECs. But since the non-responding CLECs were parties to the Arbitration, had every opportunity to participate, but elected not to do so, the Arbitrator granted SBC Missouri's alternative request for relief that the General Successor ICA be adopted as the arbitrated ICA between SBC Missouri and the non-responding CLECs.<sup>4</sup>

---

<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri" or "SBC."

<sup>2</sup> Arbitration Order, Case No. TO-2005-0336, issued July 11, 2005, p. 9, 67, adopting the Final Arbitrator's Report as its decision on each unresolved issue except as expressly modified in the Arbitration Order, and incorporating the Final Arbitrator's Report into the Commission's Arbitration Order by reference.

<sup>3</sup> The Generic Successor ICA was attached as Exhibit 27 to SBC Missouri's Petition for Arbitration.

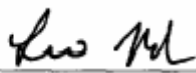
<sup>4</sup> Arbitration Order, Case No. TO-2005-0336, issued June 21, 2005, p. 13 ("The Arbitrator will grant SBC's alternative request for relief. The Arbitrator directs that SBC and the 19 non-responding CLECs will do business after July 19, 2005 pursuant to the rates, terms and conditions set out in the Generic Successor ICA proposed by SBC, Exhibit 27 to SBC's Petition for Arbitration").

Subsequent to the filing of SBC Missouri's Petition for Arbitration, SBC Missouri and many of the original non-responding CLECs were able to reach resolution, either by the CLEC's signing of a Memorandum of Understanding (under which it agreed to adopt, pursuant to the Section 252(i) of the Act one of the successor agreements resulting from the Arbitration) or providing written confirmation that it no longer wished to receive wholesale services from SBC Missouri and simply wished its M2A to expire. Where such resolutions were reached, SBC Missouri filed Notice of Dismissals with the Commission, attaching the executed MOU or written notice of termination from the CLEC. SBC Missouri was able to reach such resolutions with and dismiss all but three of the original non-responding CLECs, except for the three carriers listed above. On August 17, 2005, SBC Missouri sent letters to these three carriers confirming that they would be receiving service from SBC Missouri under the Generic Successor ICA.<sup>5</sup>

Although these three carriers will now be taking service under the Generic Successor ICA, SBC Missouri will allow them to subsequently submit a request to adopt an alternate successor agreement pursuant to Section 252(i) of the Act, which SBC Missouri will handle via the standard MFN process.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

BY   
PAUL G. LANE #27011  
LEO J. BUB #34326  
ROBERT J. GRYZMALA #32454  
MIMI B. MACDONALD #37606  
Attorneys for Southwestern Bell Telephone, L.P.  
One SBC Center, Room 3518  
St. Louis, Missouri 63101  
314-235-2508 (Telephone)\314-247-0014 (Facsimile)  
lb7809@momail.sbc.com

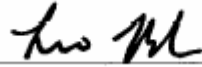
---

<sup>5</sup> Copies of these letters are appended as Attachment 1.

## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document were served on the following parties by e-mail on September 2, 2005.

BY



William K. Haas  
General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, Mo 65102  
[william.haas@psc.mo.gov](mailto:william.haas@psc.mo.gov)  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Michael F. Dandino  
Public Counsel  
Office of the Public Counsel  
PO Box 7800  
Jefferson City, MO 65102  
[mike.dandino@ded.mo.gov](mailto:mike.dandino@ded.mo.gov)  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Carl J. Lumley  
Leland B. Curtis  
Curtis Oetting Heinz Garrett & Soule, P.C.  
130 S. Bemiston, Suite 200  
St. Louis, MO 63105  
[clumley@lawfirmemail.com](mailto:clumley@lawfirmemail.com)  
[lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)

Stephen Athanson  
Debra Waller  
Cat Communications International, Inc.  
3435 Chip Dr., NE  
PO Box 11845  
Roanoke, VA 24022  
[dwaller@ccitelecom.com](mailto:dwaller@ccitelecom.com)  
[sathanson@shenandoahlaw.com](mailto:sathanson@shenandoahlaw.com)  
[sathanson@ccitelecom.com](mailto:sathanson@ccitelecom.com)

Scott Beer  
Jacque Bird  
ICG Telecom Group, Inc.  
161 Inverness Drive West  
Englewood, CO 80112  
[scott\\_beer@icgcomm.com](mailto:scott_beer@icgcomm.com)  
[jacque\\_bird@icgcomm.com](mailto:jacque_bird@icgcomm.com)



August 17, 2005

SBC Operations, Inc.  
Four SBC Plaza, 9<sup>th</sup> Floor  
311 S. Akard  
Dallas, TX 75202

Stephen Athanson  
Corporate Counsel  
Cat Communications International, Inc.  
3435 Chip Drive  
Roanoke, VA 24012

RE: Successor Missouri Agreement

Dear Stephen Athanson:

As you are aware from previous correspondence, you were named as a party to Missouri Public Service Commission Case No. TO-2005-0336, the arbitration of terms and conditions for the successor agreement(s) to the Missouri 271 Agreement ("M2A"). In the Final Arbitrator's Report (issued June 21, 2005), the Arbitrator, appointed by the Commission, determined that SBC Missouri would continue to serve those CLECs who had been named as parties to the arbitration, but who had not actively participated. The Arbitrator ruled that the terms and conditions of service would be those contained in the "generic" successor to the M2A filed by SBC Missouri with its arbitration petition:

The Arbitrator concludes that SBC must continue to serve these 19 non-responding CLECs after July 19, 2005. However, that service will not be on the terms of the M2A. The non-responding CLECs are parties to this Arbitration and have had every opportunity to participate. They have elected not to do so. Therefore, the Arbitrator will grant SBC's alternative request for relief. The Arbitrator directs that SBC and the 19 non-responding CLECs will do business after July 19, 2005, pursuant to the rates, terms and conditions set out in the Generic Successor ICA proposed by SBC, Exhibit 27 to SBC's *Petition for Arbitration*.

The Commission adopted the Final Arbitrator's Report (except as to specific modifications it made) in its Arbitration Order issued July 11, 2005. Accordingly, as of the termination date of the original M2A, August 10, 2005, any service provided by SBC Missouri to Cat Communications International, Inc., pursuant to its ICA, will be under the terms and conditions of the generic successor MO ICA. That agreement can be found at <https://clec.sbc.com/clec/shell.cfm?section=2487>.

Please contact your SBC Account Manager with any questions.

Sincerely,

*Notices Manager*

cc: Via email to General Counsel-PSC and Public Counsel-OPC



SBC Operations, Inc.  
Four SBC Plaza, 9<sup>th</sup> Floor  
311 S. Akard  
Dallas, TX 75202

August 17, 2005

Jacque Bird  
Director Network Contracts  
ICG Telecom Group, Inc  
161 Inverness Drive West  
Englewood, CO 80112

RE: Successor Missouri Agreement

Dear Jacque Bird:

As you are aware from previous correspondence, you were named as a party to Missouri Public Service Commission Case No. TO-2005-0336, the arbitration of terms and conditions for the successor agreement(s) to the Missouri 271 Agreement ("M2A"). In the Final Arbitrator's Report (issued June 21, 2005), the Arbitrator, appointed by the Commission, determined that SBC Missouri would continue to serve those CLECs who had been named as parties to the arbitration, but who had not actively participated. The Arbitrator ruled that the terms and conditions of service would be those contained in the "generic" successor to the M2A filed by SBC Missouri with its arbitration petition:

The Arbitrator concludes that SBC must continue to serve these 19 non-responding CLECs after July 19, 2005. However, that service will not be on the terms of the M2A. The non-responding CLECs are parties to this Arbitration and have had every opportunity to participate. They have elected not to do so. Therefore, the Arbitrator will grant SBC's alternative request for relief. The Arbitrator directs that SBC and the 19 non-responding CLECs will do business after July 19, 2005, pursuant to the rates, terms and conditions set out in the Generic Successor ICA proposed by SBC, Exhibit 27 to SBC's *Petition for Arbitration*.

The Commission adopted the Final Arbitrator's Report (except as to specific modifications it made) in its Arbitration Order issued July 11, 2005. Accordingly, as of the termination date of the original M2A, August 10, 2005, any service provided by SBC Missouri to ICG Telecom Group, Inc, pursuant to its ICA, will be under the terms and conditions of the generic successor MO ICA. That agreement can be found at <https://clec.sbc.com/clec/shell.cfm?section=2487>.

Please contact your SBC Account Manager with any questions.

Sincerely,

*Notices Manager*

cc: Via email to General Counsel-PSC and Public Counsel-OPC



August 17, 2005

SBC Operations, Inc.  
Four SBC Plaza, 9<sup>th</sup> Floor  
311 S. Akard  
Dallas, TX 75202

Jack Beasley  
Victory Communications, Inc.  
681 Downsville Rd  
Downsville, LA 71234

RE: Successor Missouri Agreement

Dear Jack Beasley:

As you are aware from previous correspondence, you were named as a party to Missouri Public Service Commission Case No. TO-2005-0336, the arbitration of terms and conditions for the successor agreement(s) to the Missouri 271 Agreement ("M2A"). In the Final Arbitrator's Report (issued June 21, 2005), the Arbitrator, appointed by the Commission, determined that SBC Missouri would continue to serve those CLECs who had been named as parties to the arbitration, but who had not actively participated. The Arbitrator ruled that the terms and conditions of service would be those contained in the "generic" successor to the M2A filed by SBC Missouri with its arbitration petition:

The Arbitrator concludes that SBC must continue to serve these 19 non-responding CLECs after July 19, 2005. However, that service will not be on the terms of the M2A. The non-responding CLECs are parties to this Arbitration and have had every opportunity to participate. They have elected not to do so. Therefore, the Arbitrator will grant SBC's alternative request for relief. The Arbitrator directs that SBC and the 19 non-responding CLECs will do business after July 19, 2005, pursuant to the rates, terms and conditions set out in the Generic Successor ICA proposed by SBC, Exhibit 27 to SBC's *Petition for Arbitration*.

The Commission adopted the Final Arbitrator's Report (except as to specific modifications it made) in its Arbitration Order issued July 11, 2005. Accordingly, as of the termination date of the original M2A, August 10, 2005, any service provided by SBC Missouri to Victory Communications, Inc., pursuant to its ICA, will be under the terms and conditions of the generic successor MO ICA. That agreement can be found at <https://clec.sbc.com/clec/shell.cfm?section=2487>.

Please contact your SBC Account Manager with any questions.

Sincerely,

*Notices Manager*

cc: Via email to General Counsel-PSC and Public Counsel-OPC