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Washington, D.C.

May 8, 2000

**VIA HAND DELIVERY**

**FILED**

MAY 9 2000

**Missouri Public  
Service Commission**

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

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 are the original and 14 copies of the Reply of DIECA Communications, Inc. d/b/a Covad Communications Company in Support of its Supplemental Motion for Clarification. Please mark one copy of this document "filed" and return in the enclosed envelope.

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 Creighton /cmw*  
Lisa C. Creighton

LCC/cmw  
Enclosures

cc: Office of Public Counsel  
Office of General Counsel  
Paul G. Lane, Esq.

FILED

MAY 9 2000

Missouri Public  
Service Commission

BEFORE THE 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 §

DOCKET NO. TO-2000-322

**REPLY OF DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS  
COMPANY IN SUPPORT OF ITS SUPPLEMENTAL MOTION FOR CLARIFICATION**

COMES NOW, DIECA Communications, Inc. D/B/A Covad Communications Company  
and files with this Commission its Reply in Support of its Supplemental Motion for Clarification.

**SUMMARY OF THE ARGUMENT**

The response of Southwestern Bell Telephone Company (SWBT) to Covad's  
Supplemental Motion for Clarification reveals five determinative points:

- SWBT lacks understanding of, or intentionally seeks to misconstrue, the mandate of the FCC's TELRIC pricing rules—*i.e.*, that pricing must be “based upon the use of the most efficient telecommunications technology currently available and *the lowest cost network configuration*”;
- Neither SWBT's pre-filed testimony nor brief mentions a manual loop qualification charge of \$84.15;
- SWBT is attempting to relitigate this Commission's proper determination of loop qualification charges under the FCC's TELRIC pricing rules;
- SWBT's eleventh-hour \$85 loop qualification charge is contrary to representations made to Covad and other CLECs, including an offer made as recently as April 25, 2000;
- SWBT's proposed \$85 loop qualification charge would violate the non-discrimination provisions of the Telecommunications Act of 1996.

After carefully considering the evidence presented in this arbitration, including SWBT's admission that Project Pronto (*i.e.*, the most efficient telecommunications technology currently available) "will **eliminate** the need to 'qualify' a customer for DSL service," this Commission expressly ordered that "[a]fter August 1, 2000, [SWBT's Proposed Loop Qualification] charge *shall not apply*." (Arbitration Order at 19.) Thus, this Commission properly determined that—regardless of the configuration of SWBT's existing network—the total elemental long-run incremental cost of providing loop make-up information for a network based upon "the most efficient telecommunications technology currently available" is zero. SWBT should not be permitted to blithely ignore this Commission's ruling through last-minute negotiation tactics. Accordingly, this Commission should grant Covad's Supplemental Motion for Clarification.

#### **ARGUMENT**

**I. THIS COMMISSION DETERMINED THAT TELRIC PRICING REQUIRES A ZERO-COST LOOP QUALIFICATION CHARGE REGARDLESS OF THE TYPE OF PROCESSES USED BY SWBT.**

SWBT devotes the majority of its Response to the claim that its recently adopted \$85 loop qualification charge is appropriate because SWBT must retrieve some loop make-up information manually. This Commission previously considered and rejected SWBT's argument. In its Arbitration Order, the Commission acknowledged (but did not accept) SWBT's claim that manual processes may be required to retrieve loop make-up information for some loops. Nonetheless, the Commission ordered, without limitation, that loop qualification charges "shall not apply" after August 1, 2000. (Arbitration Order at 19.) Thus, this Commission considered SWBT's argument and expressly determined that it is without merit.

The Commission's decision to impose a loop qualification charge of zero in all cases is consistent with the FCC's TELRIC pricing rules. Under these rules, costs for loop qualification

must be “based upon the use of the most efficient telecommunications technology available and *the lowest cost network configuration . . .*” 47 C.F.R. § 51.505(b)(1). The pricing analysis is divorced from the existing network configuration, instead relying on the cost of a “reconstructed local network” deploying “the most efficient technology for reasonably foreseeable capacity requirements.” (*First Report and Order* ¶ 685.) Indeed, the pricing rules expressly prohibit the consideration of embedded costs. 47 C.F.R. § 51.505(d). Relying on the overwhelming evidence in support of Covad’s position, including SWBT’s admission that Project Pronto (*i.e.*, the most efficient telecommunications technology currently available) “will **eliminate** the need to ‘qualify’ a customer for DSL service,”<sup>1</sup> the Commission appropriately determined that all loop qualification charges “shall not apply.”

SWBT’s attempt to rely on the language of the FCC’s *UNE Remand Order* to support its tenuous claim is misplaced. The *UNE Remand Order* addressed the **type** of information that ILECs must make available to competitors under the “necessary and impair” standards of section 251(d)(2) of the Telecommunications Act of 1996—it did not address the appropriate TELRIC-based **cost** of providing such information. *UNE Remand Order* ¶ 5 (“Pursuant to our statutory mandate and the directives of the Supreme Court, we reevaluate the unbundling obligations of incumbent LECs, pursuant to sections 251(c)(3) [entitled “Unbundled Access”] and 251(d)(2) [entitled “Access Standards”].”).) Thus, SWBT’s arguments regarding its obligation to populate its mechanized loop make-up database or the amount of information contained in its mechanized database are wholly irrelevant. Regardless of the means by which SWBT has compiled loop make-up information—whether in a mechanized computer database or in paper plant records—SWBT still must provide access to such information at a TELRIC cost that is based upon the

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<sup>1</sup> (Hearing Ex. 10.)

most efficient telecommunications equipment available and the lowest cost network configuration. By SWBT's own admission regarding Project Pronto, this cost is zero.<sup>2</sup>

This distinction is illustrated by SWBT's citation to the Arbitration Award issued by the Public Utility Commission of Texas. (Response ¶ 9 n.4.) Citing the UNE Remand Order, the Texas Commission recognized that an incumbent LEC is not required to inventory information "when it has no such information available to itself."<sup>3</sup> Recognizing the distinction between **access** to loop make-up information and **pricing** of access to loop make-up information, the Arbitrators in that proceeding imposed a manual loop qualification charge equal to the cost of the mechanized loop qualification.<sup>4</sup>

In sum, SWBT's proposed \$85 loop qualification charge is nothing more than an attempt to reassert arguments that this Commission already has rejected. Accordingly, this Commission should grant Covad's Supplemental Motion for Clarification.

## **II. SWBT'S ELEVENTH-HOUR ATTEMPT TO IMPOSE AN \$85 LOOP QUALIFICATION CHARGE LACKS EVIDENTIARY SUPPORT AND IS CONTRARY TO SWBT'S SWORN TESTIMONY.**

In its Response, SWBT, for the first time in this arbitration, proposes an \$85 loop qualification charge. (Response ¶ 2.) Conspicuously absent in SWBT's Response is a citation to

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<sup>2</sup> (Hearing Ex. 10.)

<sup>3</sup> Arbitration Award at 69, Docket Nos. 20226 & 20227, Before the Public Utility Commission of Texas (Nov. 30, 1999) ("Texas Arbitration Award").

<sup>4</sup> Texas Arbitration Award at 103. The Texas Commission also noted that the FCC's SBC/Ameritech Merger Order requires the same result. *Id.* In particular, the Merger Order states that "SBC/Ameritech is not required to eliminate extra charges for manual processing of service orders, provided that an electronic means of processing such orders is available to carriers. If, however, no electronic interface for processing orders of 30 lines or less is available to a carrier, SBC/Ameritech will **eliminate any extra charge for manual processing and shall charge instead the rate for processing similar orders electronically.**" SBC/Ameritech Merger Order ¶ 384 (emphasis added).

any evidence presented by SWBT at the arbitration hearing to support this charge. Nothing in SWBT's Brief or in the testimony of SWBT's witnesses mentions an \$85 loop qualification charge. Indeed, SWBT's tenuous proposal is contrary to the sworn testimony of SWBT's witness Jarrod Latham:

Q: WHAT IS SWBT'S PROPOSED NONRECURRING RATE FOR LOOP QUALIFICATION?

A: SWBT's proposed nonrecurring rate is \$15.00 for each loop qualification requested.

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(Direct Testimony of Jarrod Latham at 5.) SWBT's brief also seeks a \$15.00 loop qualification charge, contrary to SWBT's latest proposal.<sup>5</sup> (SWBT Brief at 2.) Considering this unfavorable evidentiary record, the Commission should reject SWBT's attempt to circumvent its ruling and should grant Covad's Supplemental Motion for Clarification.

### **III. SWBT'S LAST-MINUTE ATTEMPT TO IMPOSE AN INFLATED LOOP QUALIFICATION CHARGE IS CONTRARY TO SWBT'S PAST AND PRESENT REPRESENTATIONS TO COVAD AND OTHER CLECS.**

Covad received its first notice of SWBT's inflated loop qualification charge in an email of April 26, 2000. In that email, SWBT insists upon adding the following language regarding loop qualification charges to the interconnection agreement:

Effective August 1, 2000 and until Commission approved rates are established, manual loop make-up information will be priced at the Telric cost-based rate of \$84.15.

(Ex. A). SWBT's April 26 proposal is contrary to numerous previous offers made to Covad, including an offer made *as recently as April 25, 2000*. For example, SWBT quoted a Manual Loop Qualification charge of \$15.00 at least four separate times in the following correspondence:

- April 25, 2000 Email from K. Ohlson to C. Goodpastor (Ex. B);

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<sup>5</sup> Covad cites to SWBT's request for a \$15.00 charge for manual loop qualification merely to highlight the inconsistency of SWBT's latest ploy. Covad does not advocate a \$15.00 charge for manual loop qualification. See Part I.

- April 18, 2000 Email from L. Seaman to A. Brueggeman (Ex. C);
- April 14, 2000 Email for L. Seaman to A. Brueggeman (Ex. D);
- July 21, 1999 Email from A. Wagner to C. Goodpastor (Ex. E).

Not until *after* this Commission issued its Arbitration Order and *after* Covad and SWBT had resolved all other outstanding issues in their negotiations did SWBT propose its five-fold increase in its manual loop qualification charge.

SWBT's April 26 proposal also is contrary to the Missouri pricing schedule listed in the May 1, 2000 version of SBC's Multi-State Generic Interconnection/Resale Agreement posted on SBC's website at <https://clec.sbc.com/clechb/unrestr/custguide/>. Line 63 of the pricing schedule expressly states:

| Service                    | Rate Elements                     | Nonrecurring Rate First |
|----------------------------|-----------------------------------|-------------------------|
| Loop Qualification Process | Loop Qualification Process-Manual | \$15.00                 |

(Ex. F, SWBT Generic Price Schedule—Missouri.)

In short, SWBT's recent \$85 loop qualification charge has appeared out of nowhere. The Commission, therefore, should reject SWBT's tactics and grant Covad's Supplemental Motion for Clarification.<sup>6</sup>

<sup>6</sup> Given SWBT's baseless, eleventh-hour demand to impose an \$85 loop qualification charge, Covad can only assume that SWBT intends to delay negotiations and prevent Covad from providing competitive services in Missouri in a timely manner. Accordingly, this Commission should find that SWBT has violated the FCC's good-faith negotiation rules by "[i]ntentionally obstructing or delaying negotiations or resolutions of disputes." 47 C.F.R. § 51.301(c)(6).

**IV. SWBT'S INFLATED LOOP QUALIFICATION CHARGE VIOLATES THE NON-DISCRIMINATION PROVISIONS OF THE FEDERAL TELECOMMUNICATIONS ACT.**

Under section 251(c)(3) of the Act, incumbent carriers must provide requesting carriers with unbundled network elements "on rates, terms, and conditions that are just, reasonable, and non-discriminatory . . . ." 47 U.S.C. § 251(c)(3). At page 6 of the sworn testimony of Jarrod Latham, SWBT states:

SWBT's proposed rate is the same loop qualification rate that appears in the SWBT/SBC Advanced Solutions, Inc. (ASI) Interconnection Agreement, approved by this Commission on December 1, 1999. ASI is the affiliate that SWBT has agreed will provide retail advanced services including xDSL services.

SWBT's proposal to charge Covad \$84.14 for loop qualification violates the express provisions of the federal Telecommunications Act. Accordingly, this Commission should grant Covad's Supplemental Motion and reject SWBT's last-minute attempt to relitigate this issue.



## CONCLUSION

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 Supplemental Motion for Clarification.

Respectfully submitted,



Mark P. Johnson MO #30740

Lisa C. Creighton MO #42194

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816/932-4400

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Christopher Goodpastor

Covad Communications Company

9600 Great Hills Trail, Suite 150W

Austin, Texas 78759

512-502-1713

512-502-1777 FAX

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 8th day of May, 2000, to:

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

Office of General Counsel  
ATTN: Bill Haas  
P. O. Box 360  
Jefferson City, Missouri 65102

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

Office of the Public Counsel  
P. O. Box 7800  
Jefferson City, Missouri 65102



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

# **EXHIBIT A**

**Brueggeman, Amy**

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**From:** kristin.ohlson@pactel.com  
**At:** Wednesday, April 26, 2000 12:41 PM  
**To:** cgoodpas@Covad.COM; abruegge@Covad.COM; kristin.ohlson@pactel.com  
**Cc:** mg2141@txmail.sbc.com; Duane.Henry@pactel.com  
**Subject:** ATTACHMENT 25: xDSL



WEST-#289580-v1-Cov

ad\_Missour... <<WEST-#289580-v1-Covad\_\_Missouri\_dsl\_attach\_-\_Loewen\_4\_26\_00\_.doc>>

Here

is our latest proposal for Section 11.3 and following. Please see all footnotes and especially footnote 6 which sets a price for manual loop make up information on and after August 1, 2000. Thank you.

#### 11.4. SWBT's rates for Cross Connects:

##### xDSL Cross Connect Charge – Non-Shielded:

| <u>Additional</u>         | <u>Recurring</u> | <u>Nonrecurring</u> |         |
|---------------------------|------------------|---------------------|---------|
| 2-wire Analog (w/o test)  | \$0.31           | \$19.96             | \$12.69 |
| 4-wire Analog (w/o test)  | \$0.63           | \$25.38             | \$17.73 |
| 2-wire Digital (w/o test) | \$0.31           | \$35.83             | \$29.44 |
| 4-wire Digital (w/o test) | \$0.00           | \$34.48             | \$28.57 |

##### xDSL Cross-Connect Charge – Shielded:

|                |        |         |         |
|----------------|--------|---------|---------|
| 2-wire Analog  | \$0.80 | \$19.96 | \$12.69 |
| 4-wire Analog  | \$0.80 | \$19.96 | \$12.69 |
| 2-wire Digital | \$0.80 | \$19.96 | \$12.69 |
| 4-wire Digital | \$0.80 | \$19.96 | \$12.69 |

Note: There is no requirement that a CLEC order shielded cross-connects. Shielded cross-connects are only available for 2-wire xDSL loops used to provision ADSL.

SWBT's rates for cross-connects above are final and are not interim or subject to retroactive true-up.

#### 11.5. SWBT's Rates for Loop Conditioning:

SWBT will make "clean loops" available on a nondiscriminatory basis for all xDSL services and use by all xDSL providers. For loops less than 12,000 feet, SWBT will remove load coils, repeaters, and excessive bridge tap at no charge to Covad.

If no "clean loops" are available, the following conditioning charges apply (*applicable to every xDSL loop greater than 12,000 feet but less than 17,500 feet*) provided that the non-recurring charge for conditioning a single line shall in no case exceed \$727.20<sup>7</sup>:

<sup>6</sup> Effective August 1, 2000 and until Commission approved rates are established, manual loop make-up information will be priced at the Telric cost-based rate of \$84.15.

<sup>7</sup> Covad has filed a Motion for Clarification and/or Modification in Case No.

TO-2000-322 contending that recurring prices for 2-Wire Digital Loop (e.g. ISDN/IDSL) and non-recurring prices for loop conditioning are interim only and are subject to true-up (or down) to final rates determined by the Commission after the re-filing of cost studies by SWBT as ordered in the Arbitration Order of March 23, 2000. If said Motion for Clarification and/or Modification is granted, the recurring prices of 2-Wire Digital Loop (e.g. ISDN/IDSL) and non-recurring conditioning charges shall be interim and subject to true up to final rates determined by the Missouri Public Service Commission ("Commission"). If said Motion for Clarification and/or Modification is not granted, the recurring rates for

## **EXHIBIT B**

**Goodpastor, Christopher**

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**From:** kristin.ohlson@pactel.com  
**nt:** Tuesday, April 25, 2000 1:14 PM  
**To:** cgoodpas@Covad.COM; abruegge@Covad.COM; kristin.ohlson@pactel.com; mg2141@txmail.sbc.com; Duane.Henry@pactel.com  
**Subject:** ATTACHMENT 25: xDSL



WEST-#289459 v1-Co

vud, Missouri...

<<WEST-#289459-v1-Covad\_Missouri\_Attach\_dsl...doc>> this should be the final attach 25 for the Covad missouri agreement. I corrected to 2 wire digital Loop (e.g. isdn/idsl) in footnotes 2 and 5 to reflect the exact wording of the Loop in the K. I assume this is how you referenced it in your petition.

|        |         |         |         |
|--------|---------|---------|---------|
| Zone 1 | \$25.79 | \$57.77 | \$30.22 |
| Zone 2 | \$42.10 | \$57.77 | \$30.22 |
| Zone 3 | \$58.44 | \$57.77 | \$30.22 |
| Zone 4 | \$41.44 | \$57.77 | \$30.22 |

4-Wire Digital Loop  
(e.g., ISDN/IDSL)

|        |          |          |         |
|--------|----------|----------|---------|
| Zone 1 | \$101.18 | \$136.63 | \$53.94 |
| Zone 2 | \$106.06 | \$136.63 | \$53.94 |
| Zone 3 | \$107.89 | \$136.63 | \$53.94 |
| Zone 4 | \$101.39 | \$136.63 | \$53.94 |

11.2 SWBT's rates for subloops:<sup>3</sup>

11.3. SWBT's Interim rates for Loop Make-Up Information<sup>4</sup>:

Loop Make-up Information (as defined in section 5.4) – Mechanized/query

\$15.00\*

Loop Make-up Information (as defined in section 5.4)– Manual \$15.00

Detailed Make-up Information – Manual TBD

\* This price shall change to \$0.00 on August 1, 2000.

11.4. SWBT's rates for Cross Connects:

xDSL Cross Connect Charge – Non-Shielded:

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and subject to true up to final rates determined by the Missouri Public Service Commission ("Commission"). If said Motion for Clarification and/or Modification is not granted, the recurring rates for ISDN loops and non-recurring conditioning rates as stated in this agreement shall not be true up (or down) to final rates determined by the Commission.

<sup>3</sup> Parties shall negotiate rates, terms, and conditions for SWBT provisioning of subloops.

<sup>4</sup> Covad contends that the Arbitration Order in Case No. TO-2000-322 requires SWBT to reduce the price for all requests for loop make-up information--whether mechanized, manual, or "detailed"--to \$0.00 on or before August 1, 2000. Covad has filed a Motion for Clarification and/or Modification with the Commission regarding this contention. If the Commission grants Covad's Motion, the parties agree to negotiate an amendment or revision to this Attachment as soon as practicable to incorporate the Commission's decision.



# **EXHIBIT C**

**Brueggeman, Amy**

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**From:** SEAMAN, LYND A (PB) [LASEAMA@msg.pacbell.com]  
**ent:** Tuesday, April 18, 2000 3:06 PM  
**o:** 'Covad - Amy Brueggeman'  
**Subject:** Price Sheet



MO PRICES updated

3-16-00 (Cov... Amy,

Here is the price sheet. It should be the 1/6/00 version with the  
arbitrated rates added. We have also put in (highlighted in green) some  
OC

level rates that have been developed. You can elect to leave them in or  
remove them.

<<MO PRICES updated 3-16-00 (Covad)with OC rates.xls>>

Lynda Seaman  
Associate Director, Regulatory  
140 New Montgomery St. Room 1322  
San Francisco, CA 94105  
Phone: 415 542-3925  
Pager: 1 800 200 6136

TBD-To Be Determined  
NRO-Nonrecurring only  
ICB-Individual Case Basis  
NA-Not Applicable

SOUTHWESTERN BELL TELEPHONE COMPANY  
MISSOURI  
Generic Rates  
January 5, 2003

APPENDIX PRICING  
SWBT/CLEC

| MISSOURI  | SWBT RECURRING |  | SWBT NON-REC. |            |
|---|----------------|--|---------------|------------|
|   | Monthly        |  | Initial       | Additional |
| <b>Network Interface Device (NID)</b>                               |                |  |               |            |
| Disconnected Loop from Inside wiring, per NID                       | NA             |  | \$ 71.45      | \$ 35.70   |
| <b>Unbundled Loops</b>  |                |  |               |            |
| 2-Wire Analog - Metro (Zone 1)                                      | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| 2-Wire Analog - Suburban (Zone 2)                                   | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| 2-Wire Analog - Rural (Zone 3)                                      | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| 2-Wire Analog - Urban (Zone 4)                                      | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| Conditioning for dB Loss  | \$ 6.03        |  | \$ 22.79      | \$ 8.58    |
| 4-Wire Analog - Metro (Zone 1)                                      | \$ 19.79       |  | \$ 28.77      | \$ 11.09   |
| 4-Wire Analog - Suburban (Zone 2)                                   | \$ 35.35       |  | \$ 28.77      | \$ 11.09   |
| 4-Wire Analog - Rural (Zone 3)                                      | \$ 61.10       |  | \$ 28.77      | \$ 11.09   |
| 4-Wire Analog - Urban (Zone 4)                                      | \$ 30.08       |  | \$ 28.77      | \$ 11.09   |
| 2-Wire Digital - Metro (Zone 1)                                     | \$ 26.79       |  | \$ 57.77      | \$ 30.22   |
| 2-Wire Digital - Suburban (Zone 2)                                  | \$ 42.10       |  | \$ 57.77      | \$ 30.22   |
| 2-Wire Digital - Rural (Zone 3)                                     | \$ 58.44       |  | \$ 57.77      | \$ 30.22   |
| 2-Wire Digital - Urban (Zone 4)                                     | \$ 41.44       |  | \$ 57.77      | \$ 30.22   |
| 4-Wire Digital - Metro (Zone 1)                                     | \$ 101.18      |  | \$ 136.63     | \$ 53.94   |
| 4-Wire Digital - Suburban (Zone 2)                                  | \$ 108.06      |  | \$ 136.63     | \$ 53.94   |
| 4-Wire Digital - Rural (Zone 3)                                     | \$ 107.89      |  | \$ 136.63     | \$ 53.94   |
| 4-Wire Digital - Urban (Zone 4)                                     | \$ 101.39      |  | \$ 136.63     | \$ 53.94   |
| <b>DSL Capable Loops</b>  |                |  |               |            |
| <b>2-Wire Digital Loop ISDN/DSL</b>                                 |                |  |               |            |
| *PSD #1 - 2-Wire Digital Loop ISDN/DSL - Zone 1 (Urban STL, KS)     | \$ 25.79       |  | \$ 57.77      | \$ 30.22   |
| *PSD #1 - 2-Wire Digital Loop ISDN/DSL - Zone 2 (Suburban)          | \$ 42.10       |  | \$ 57.77      | \$ 30.22   |
| *PSD #1 - 2-Wire Digital Loop ISDN/DSL - Zone 3 (Rural)             | \$ 50.44       |  | \$ 57.77      | \$ 30.22   |
| *PSD #1 - 2-Wire Digital Loop ISDN/DSL - Zone 4 (Urban Springfield) | \$ 41.44       |  | \$ 57.77      | \$ 30.22   |
| <b>2-Wire xDSL Loop</b>   |                |  |               |            |
| *PSD #1 - 2-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #1 - 2-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #1 - 2-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| *PSD #1 - 2-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| *PSD #2 - 2-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #2 - 2-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #2 - 2-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| *PSD #2 - 2-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| *PSD #3 - 2-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #3 - 2-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #3 - 2-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| *PSD #3 - 2-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| *PSD #4 - 2-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #4 - 2-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #4 - 2-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| *PSD #4 - 2-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| *PSD #5 - 2-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #5 - 2-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #5 - 2-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| *PSD #5 - 2-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| *PSD #7 - 2-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 12.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #7 - 2-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 20.71       |  | \$ 26.07      | \$ 11.09   |
| *PSD #7 - 2-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 33.29       |  | \$ 26.07      | \$ 11.09   |
| *PSD #7 - 2-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 18.23       |  | \$ 26.07      | \$ 11.09   |
| <b>4-Wire xDSL Loop</b>   |                |  |               |            |
| *PSD #3 - 4-Wire xDSL Loop - Zone 1 (Urban STL, KS)                 | \$ 19.79       |  | \$ 28.77      | \$ 11.09   |
| *PSD #3 - 4-Wire xDSL Loop - Zone 2 (Suburban)                      | \$ 35.35       |  | \$ 28.77      | \$ 11.09   |
| *PSD #3 - 4-Wire xDSL Loop - Zone 3 (Rural)                         | \$ 61.16       |  | \$ 28.77      | \$ 11.09   |
| *PSD #3 - 4-Wire xDSL Loop - Zone 4 (Urban Springfield)             | \$ 30.03       |  | \$ 28.77      | \$ 11.09   |
| <b>Loop Qualification Process</b>                                   |                |  |               |            |
| DSL Conditioning Options  | NA             |  | \$ 15.00      | NA         |
| Removal of Repeaters  | NA             |  | \$ 289.51     | \$ 13.74   |
| Removal of Bridged Taps and Repeaters                               | NA             |  | \$ 484.18     | \$ 24.24   |
| Removal of Bridged Taps   | NA             |  | \$ 727.80     | \$ 16.16   |
| Removal of Bridged Taps and Load Coils                              | NA             |  | TBD           | TBD        |
| Removal of Load Coils   | NA             |  | TBD           | TBD        |
| Conditioning of loops over 17,500 ft.                               | NA             |  | TBD           | TBD        |

# **EXHIBIT D**

**Brueggeman, Amy**

---

**From:** SEAMAN, LYND A (PB) [LASEAMA@msg.pacbell.com]  
**Sent:** Friday, April 14, 2000 1:23 PM  
**To:** 'Covad - Amy Brueggeman'  
**Subject:** Redlined DSL Appendix



Seaman redline of  
MO\_KS xDSL A... Amy.  
Here is the marked up Appendix.  
<<Seaman redline of MO\_KS xDSL Attach - CLEAN 2nd DRAFT.doc>>

Lynda Seaman  
Lead Negotiator  
370 Third Street, Room 716  
San Francisco, CA 94107  
Phone: 415 542-3135  
FAX: 415 543-2516  
Pager: 1 800 200-6136

Zone-3

4-Wire Analog  
Distribution Sub-loop

Zone-1

Zone-2

Zone-3

Zone-4

SWBT's rates for subloops above are final and are not interim or subject to retroactive true-up.

11.3. SWBT's Interim rates for Loop Make-Up Information:

Loop Make-up Information – Mechanized/query \$15.00\*

Loop Make-up Information – Manual \$15.00\*

Detailed Make-up Information – Manual TBD

\*The above rates shall apply until August 1, 2000, whereupon the price will change to \$0.00 for both manual and the mechanized access to loop make-up information. Covad may continue to request a manual loop make-up or a detailed manual loop make-up at the above rate.

11.4. SWBT's rates for Cross Connects:

xDSL Cross Connect Charge – Non-Shielded:

|                           | <u>Recurring</u> | <u>Nonrecurring</u> |         |
|---------------------------|------------------|---------------------|---------|
| <u>Additional</u>         |                  |                     |         |
| 2-wire Analog (w/o test)  | \$0.31           | \$19.96             | \$12.69 |
| 4-wire Analog (w/o test)  | \$0.63           | \$25.38             | \$17.73 |
| 2-wire Digital (w/o test) | \$0.31           | \$35.83             | \$29.44 |
| 4-wire Digital (w/o test) | \$0.00           | \$34.48             | \$28.57 |

xDSL Cross-Connect Charge – Shielded:

|               |        |         |         |
|---------------|--------|---------|---------|
| 2-wire Analog | \$0.80 | \$19.96 | \$12.69 |
| 4-wire Analog | \$0.80 | \$19.96 | \$12.69 |

# **EXHIBIT E**

Klele Alona

From: Laura Izon [lizon@Covad.COM]  
Sent: Thursday, August 05, 1999 4:03 PM  
To: kaiona@Covad.COM  
Subject: FW: COVAD/SWBT MOKA NEGOTIATIONS

Importance: High



covad.doc



MOKA Interconnection  
Agreement



Collocation.doc



DSL(Pricing  
Schedule)7-20.doc

-----Original Message-----

From: Christopher Goodpastor [mailto:cgoodpas@Covad.COM]  
Sent: Wednesday, July 21, 1999 7:54 AM  
To: Bernard Chao; Laura Izon  
Subject: FW: COVAD/SWBT MOKA NEGOTIATIONS  
Importance: High

-----Original Message-----

From: WAGNER, AMY R (SWBT) [mailto:aw5678@okmail.sbc.com]  
Sent: Wednesday, July 21, 1999 7:16 AM  
To: cgoodpas@Covad.COM  
Subject: COVAD/SWBT MOKA NEGOTIATIONS  
Importance: High

Attached is SWBT's response to Covad's July 16, 1999 proposals. I am also faxing this information to you. We will be prepared to discuss on our conference call this morning.

> <<covad.doc>> <<MOKA Interconnection Agreements Negotiations >>  
> <<Collocation.doc>>  
> <<DSL(Pricing Schedule)7-20.doc>>

> Amy Wagner  
> Senior Counsel  
> Southwestern Bell Legal Department  
> (405) 291-6754

>

> Notice: This e-mail message is confidential and intended only for the  
> named recipient(s) above. DO NOT FORWARD this message without my approval.  
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>



Schedule 1  
 Attachment DSL - Pricing  
 Missouri

|  | Recurring | Nonrecurring<br>Initial | Additional |
|--|-----------|-------------------------|------------|
| 2-Wire ADSL Capable Loop   |           |                         |            |
| Zone 1   | \$ 12.71  | \$ 26.07                | \$ 11.09   |
| Zone 2   | \$ 20.71  | \$ 26.07                | \$ 11.09   |
| Zone 3   | \$ 33.29  | \$ 26.07                | \$ 11.09   |
| Zone 4   | \$ 18.23  | \$ 26.07                | \$ 11.09   |
| 2-Wire Very Low-band Symmetric Technology Capable Loop   |           |                         |            |
| Zone 1   | \$ 25.79  | \$ 57.77                | \$ 30.22   |
| Zone 2   | \$ 42.10  | \$ 57.77                | \$ 30.22   |
| Zone 3   | \$ 58.44  | \$ 57.77                | \$ 30.22   |
| Zone 4   | \$ 41.44  | \$ 57.77                | \$ 30.22   |
| Uses Standard 2-Wire Digital Loop (2-Wire ISDN Loop)   |           |                         |            |
| (Rates as shown if the underlying Agreement does not include a rate for a 2-wire Digital Loop)                     |           |                         |            |
| 2-Wire Mid-band Symmetric Technology Capable Loop  |           |                         |            |
| Zone 1   | \$ 12.71  | \$ 26.07                | \$ 11.09   |
| Zone 2   | \$ 20.71  | \$ 26.07                | \$ 11.09   |
| Zone 3   | \$ 33.29  | \$ 26.07                | \$ 11.09   |
| Zone 4   | \$ 18.23  | \$ 26.07                | \$ 11.09   |
| 4-Wire Mid-band Symmetric Technology Capable Loop  |           |                         |            |
| Zone 1   | \$ 19.79  | \$ 28.77                | \$ 11.09   |
| Zone 2   | \$ 35.35  | \$ 28.77                | \$ 11.09   |
| Zone 3   | \$ 61.16  | \$ 28.77                | \$ 11.09   |
| Zone 4   | \$ 30.08  | \$ 28.77                | \$ 11.09   |
| **Loop Qualification Process (a/o 8-1-99)  | N/A       | \$15.00                 |            |
| ADSL Shielded Cross<br>Connect to Collocation  | \$ .80    | \$ 19.96                | \$ 12.69   |
| 2-Wire Analog Cross-Connect to Collo   | \$ .31    | \$ 19.96                | \$ 12.69   |
| (Rates as shown if the underlying Agreement does not include a rate for a 2-wire analog cross-connect w/o testing) |           |                         |            |

2-Wire Digital Cross-Connect to Collo      \$ .31      \$ 19.96      \$ 12.69  
(Rates as shown if the underlying Agreement does not include a rate for a 2-wire digital cross-connect w/o testing)

4-Wire Analog Cross-Connect to Collo      \$ .63      \$ 25.38      \$ 17.73  
(Rates as shown if the underlying Agreement does not include a rate for a 4-wire analog cross-connect w/o testing)

DSL Conditioning Options

|  |     |          |        |
|--|-----|----------|--------|
| Removal of Repeaters                   | N/A | \$289.51 | \$ TBD |
| Removal of Bridged Taps and Repeaters  | N/A | \$ TBD   | \$ TBD |
| Removal of Bridged Taps                | N/A | \$484.19 | \$ TBD |
| Removal of Bridged Taps and Load Coils | N/A | \$ TBD   | \$ TBD |
| Removal of Load Coils                  | N/A | \$797.78 | \$ TBD |
| Conditioning for loops over 17,500 ft  | N/A | TBD      | TBD    |

**\*\*Effective August 1, 1999, the rates for Loop Qualification reflect SWBT's planned implementation of partial mechanization. SWBT agrees to notify CLEC of any additional changes in the Loop Qualification process and any associated rate modifications. Upon CLEC's receipt of such notification by SWBT, the Parties will meet for the sole purpose (unless otherwise agreed to by both Parties) of negotiating rates, terms and conditions for CLEC's use of the modified Loop Qualification process.**

The Parties acknowledge and agree that the provision of these DSL-Capable Loops and the associated rates, terms and conditions set forth above are subject to any legal or equitable rights of review and remedies (including agency reconsideration and court review). Any reconsideration, agency order, appeal, court order or opinion, stay, injunction or other action by any state or federal regulatory body or court of competent jurisdiction which stays, modifies, or otherwise affects any of the rates, terms and conditions herein, specifically including those arising with respect to the Petition of Broadspan Communications, Inc. for Arbitration of Unresolved Interconnection Issues Regarding ADSL with Southwestern Bell Telephone Company before the Missouri Public Service Commission, Case No. TO-99-370, or any other proceeding, the Parties shall expend diligent efforts to arrive at an agreement on conforming modifications to this Agreement. If negotiations fail, disputes between the Parties concerning the interpretation of the actions required or the provisions affected shall be handled under the Dispute Resolution procedures set forth in this Agreement.

**EXHIBIT F**

SOUTHWESTERN BELL TELEPHONE COMPANY/GENERIC PRICE SCHEDULE  
MISSOURI  
4/26/00

Appendix Pricing  
Schedule of Prices  
Effective Date: xx/xx/xx

| Line | Change/<br>Updates | Service                       |      | Rate Elements  | USOCs | Recurring Rate | Nonrecurring<br>Rate<br>First | Nonrecurring<br>Rate<br>Additional | Subsequent<br>Changes |
|------|--------------------|-------------------------------|------|--|-------|----------------|-------------------------------|------------------------------------|-----------------------|
| 54   |                    |                               | **   | *PSD #3 - 4-Wire xDSL Loop - Zone 2 (Suburban)   | 4SL1X | \$ 35.35       | \$ 28.77                      | \$ 11.09                           |                       |
| 55   |                    |                               | **   | *PSD #3 - 4-Wire xDSL Loop - Zone 3 (Rural)  | 4SL1X | \$ 61.16       | \$ 28.77                      | \$ 11.09                           |                       |
| 56   |                    |                               | **   | *PSD #3 - 4-Wire xDSL Loop - Zone 4 (Urban<br>Springfield)   | 4SL1X | \$ 30.08       | \$ 28.77                      | \$ 11.09                           |                       |
| 57   |                    |                               |      | *USOCs used for inventory purpose only   |       |                |                               |                                    |                       |
| 58   |                    | HFPL Loop                     | ***  | HFPL Loop - Zone 1 (Urban STL, KS)   | ULPPX | \$ 6.36        | N/A                           | N/A                                |                       |
| 59   |                    |                               | ***  | HFPL Loop - Zone 2 (Suburban)  | ULPPX | \$ 10.36       | N/A                           | N/A                                |                       |
| 60   |                    |                               | ***  | HFPL Loop - Zone 3 (Urban)   | ULPPX | \$ 16.65       | N/A                           | N/A                                |                       |
| 61   |                    |                               | ***  | HFPL Loop - Zone 4 (Urban Springfield)   | ULPPX | \$ 9.12        | N/A                           | N/A                                |                       |
| 62   |                    | Loop Qualification<br>Process |      | Loop Qualification Process - Mechanized  | NR98U | TBD            | TBD                           | TBD                                |                       |
| 63   |                    |                               |      | Loop Qualification Process - Manual  | NRBXU | None           | \$ 15.00                      | None                               |                       |
| 64   |                    |                               |      | Loop Qualification Process - Detailed Manual   | NR98Y | TBD            | TBD                           | TBD                                |                       |
| 65   |                    | HFPL Splitter                 | ***  | SBC owned splitter-time at a time  | MYQXB | TBD            | N/A                           | N/A                                |                       |
| 66   |                    | DSL Conditioning<br>Options   | **** | Removal of Repeaters   | NRBXV | None           | \$ 289.51                     | \$ 13.74                           |                       |
| 67   |                    |                               |      | Incremental Removal of Repeater (> than 17.5<br>Kft.same location/same cable)                                  | NRBNL | None           | \$ 358.31                     | \$ 17.14                           |                       |
| 68   |                    |                               |      | Incremental Additional Removal of Repeater (><br>than 17.5 Kft.same location/different cable)                  | NRBNP | None           | \$ 141.23                     | \$ 17.14                           |                       |
| 69   |                    |                               | **** | Removal of Bridged Taps and Repeaters  | NRBXH | None           | \$ 727.20                     | \$ 48.09                           |                       |
| 70   |                    |                               |      | Incremental Removal of Bridged Taps and<br>Repeaters (>than 17.5K same location/same cable)                    | NRBTV | None           | \$ 626.25                     | \$ 32.62                           |                       |
| 71   |                    |                               |      | Incremental Additional Removal of Bridged Taps<br>and Repeaters (>than 17.5K same location/different<br>cable) | NRBTW | None           | \$ 240.09                     | \$ 32.62                           |                       |
| 72   |                    |                               | **** | Removal of Bridged Taps  | NRBXW | None           | \$ 484.19                     | \$ 24.24                           |                       |
| 73   |                    |                               |      | Incremental Removal of Bridged Tap (> than 17.5<br>Kft.same location/same cable)                               | NRBNK | None           | \$ 299.64                     | \$ 15.47                           |                       |
| 74   |                    |                               |      | Incremental Additional Removal of Bridged Tap (><br>than 17.5 Kft.same location/different cable)               | NRBNN | None           | \$ 98.86                      | \$ 15.47                           |                       |
| 75   |                    |                               | **** | Removal of Bridged Taps and Load Coils   | NRBXF | None           | \$ 727.20                     | \$ 53.96                           |                       |
| 76   |                    |                               |      | Incremental Removal of Load Coil & Bridge Tap (><br>than 17.5 Kft.same location/same Cable)                    | NRBM8 | None           | \$ 609.70                     | \$ 23.11                           |                       |
| 77   |                    |                               |      | Incremental Additional Removal of Load Coil &<br>Bridge Tap (> than 17.5 Kft.same location/different<br>Cable) | NRBM9 | None           | \$ 238.13                     | \$ 23.11                           |                       |
| 78   |                    |                               | **** | Removal of Load Coils  | NRBXZ | None           | \$ 727.20                     | \$ 18.18                           |                       |

UNE AECN:  
RESALE AECN:  
ACNA:

13 STATE GENERIC INTERCONNECTION AGREEMENT  
AS OF MAY 1, 2000

PAGE 3 OF 24  
Last Update: xx/xx/xx