

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

**APPLICATION OF XO)
COMMUNICATIONS SERVICES, INC.)
f/k/a XO MISSOURI, INC. and)
ALLEGIANCE TELECOM OF)
MISSOURI, INC. FOR APPROVAL OF) CASE NO. _____
AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT)
WITH SOUTHWESTERN BELL)
TELEPHONE, L.P. d/b/a SBC MISSOURI)
PURSUANT TO § 252(e) OF THE)
TELECOMMUNICATIONS)
ACT OF 1996.)**

**APPLICATION FOR APPROVAL OF AN AMENDMENT
TO THE INTERCONNECTION AGREEMENT
BETWEEN XO COMMUNICATIONS SERVICES, INC.
f/k/a XO MISSOURI, INC. and ALLEGIANCE TELECOM OF MISSOURI, INC.
AND
SOUTHWESTERN BELL TELEPHONE, L.P.
d/b/a SBC MISSOURI**

COMES NOW XO Communications Services, Inc. f/k/a XO Missouri, Inc. and Allegiance Telecom of Missouri, Inc. ("XO") for its application for approval of Amendment to Interconnection Agreement By and Between Southwestern Bell Telephone, L.P. d/b/a SBC Missouri and XO Communications Services, Inc. ("the Amendment") pursuant to § 252(e) of the Telecommunications Act of 1996 ('the Federal Act'), Section 392.220 RSMo, and 4 CSR 240-2.060, and states to the Commission as follows:

I. Parties

1. XO, successor by merger to XO Missouri, Inc. and Allegiance Telecom of Missouri, Inc.,¹ is a competitive facilities-based 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. Its principal Missouri regulatory offices are currently located at 810 Jorie Blvd, Suite 200, Oak Brook, Illinois 60523. For purposes of this Complaint, its telephone number is: 630-371-3311; its facsimile number is: 630-371-3256; and its email address is: kris.shulman@xo.com. XO is an authorized provider of intrastate switched and non-switched local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission. XO is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission. Through its predecessors XO has adopted the M2A (the "Agreements"). The Commission has also approved various amendments to these Agreements between XO and SBC. The Commission should take notice of the Agreements and amendments, which are contained in its files and incorporated herein by this reference. A certificate of good standing to conduct business in Missouri is attached hereto.

2. XO can be reached as follows:

Gegi Leeger
Director - Regulatory Contracts
XO Communications, Inc.
11111 Sunset Hills Road
Reston, VA 20190
(703) 547-2109
gegi.leeger@xo.com

¹ See Case No. LO-2005-0027

and

Kris Shulman
XO Communications Services, Inc.
810 Jorie Blvd., Suite 200
Oak Brook, IL 60523
(630) 371-3311
(630) 371-3256 (FAX)
kris.shulman@xo.com

3. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Carl J. Lumley
Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

4. SBC-Missouri is a Texas limited partnership with its principal Missouri place of business located at One Bell Center, St. Louis, Missouri 63101. SBC-Missouri is an incumbent local exchange carrier ("ILEC"), as defined in Section 251(h) of the Federal Act, and is a noncompetitive large incumbent local exchange carrier as defined by Sections 386.020, 392.361 and 392.245 R.S.Mo. It is a public utility as defined in Section 386.020. It is the successor to Southwestern Bell Telephone Company ("SWBT"). Its address, telephone number and facsimile number are, respectively:

One Bell Center, Room 3520
St. Louis, Missouri 63101
(314) 235-4300
(314) 247-0014 (FAX)

II. Allegations of Fact

5. XO presents to this Commission for approval the Amendment to its Agreement with SBC-Missouri, attached hereto as Exhibit 1, negotiated and executed pursuant to the terms of the Federal Act. All issues have been successfully negotiated and agreed upon. No arbitration of any issue is required. Both parties have signed the Amendment.

6. Except as modified by the Amendment, all other terms and conditions of the Agreement between the parties shall remain unchanged and in full force and effect.

7. XO seeks the Commission's approval of the Amendment to its Agreement with SBC-Missouri consistent with the provisions of the Federal Act and Missouri law. XO believes that the implementation of the Amendment complies fully with § 252(e) of the Federal Act because the Amendment is non-discriminatory and consistent with the public interest, convenience and necessity. The Amendment will promote diversity in providers, provide for interconnectivity between the parties, and will lead to increased customer choices for telecommunications services.

8. XO respectfully requests that the Commission grant approval of the Amendment without change, suspension, or other delay in implementation. This is a bilateral Amendment, entered into as a result of negotiations and compromise between competitors, and XO believes that procedures for review of the Amendment should be designed to permit expeditious implementation thereof, and that interventions should be strictly limited consistent with the scope of review specified by the Federal Act and the Commission's applicable rules.

9. The applicable standard of review is set forth in § 252(e) of the Federal Act and provides as follows:

(e) APPROVAL BY STATE COMMISSION –

- (1) APPROVAL REQUIRED – Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION – The State commission may only reject –
 - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

10. XO does not have any pending actions or unsatisfied final judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment or decision has occurred within three years of the date of this Application.

11. XO does not have any overdue annual reports or assessment fees.

IV. Relief Sought

WHEREFORE, XO respectfully requests that the Commission approve the Amendment to the Interconnection Agreement between XO and SBC-Missouri and grant additional relief as the Commission deems proper and reasonable.

STATE OF Virginia
COUNTY OF Fairfax

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) SS.
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VERIFICATION

I, Gegi Leeger, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and the Director - Regulatory Contracts of XO Communications, Inc. I am authorized to act on behalf of XO Communications Services, Inc. regarding the foregoing document. I have read the document and I am informed and believe that the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, Clayton, Missouri 63105, are authorized to sign all pleadings and documents necessary to obtain the decision of the Missouri Public Service Commission on the foregoing Application, and to represent XO Communications Services, Inc. in this proceeding.

Gegi Leeger
Gegi Leeger

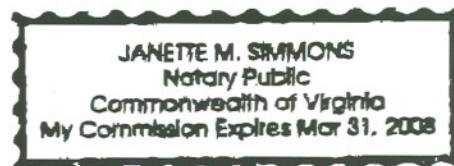
On this 27th day of June, 2005, before me, a Notary Public, personally appeared Gegi Leeger, and being first duly sworn upon her oath stated that she is over twenty-one years, sound of mind and the Director - Regulatory Contracts of XO Communications, Inc., she signed the foregoing document as Director - Regulatory Contracts of XO Communications, Inc., and the facts contained therein are true and correct according to the best of her information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.

Janette M. Simmons
Notary Public

My Commission Expires:

3-31-08



Respectfully submitted,

/s/ Carl J. Lumley

Carl J. Lumley MBE 32869
Leland B. Curtis MBE 20550
Curtis, Heinz, Garrett & O'Keefe, PC
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ATTORNEYS FOR XO COMMUNICATIONS
SERVICES, INC. f/k/a XO MISSOURI, INC. and
ALLEGIANCE TELECOM OF MISSOURI, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 27th day of June, 2005 by email or by placing same in the U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

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PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

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Missouri Public Service Commission
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