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October 27, 1999

VIA FEDERAL EXPRESS

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

OCT 2 8 1999

Missouri Public 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-2000-278

Dear Mr. Roberts:

Enclosed for filing with the Commission are the original and 14 copies of the Motion to Withdraw 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, which it filed on October 15, 1999. As reflected in the Motion, the filing was premature. The Petition will be refiled on or before November 9, 1999.

Also enclosed are two additional copies of this document which I would ask that you return marked "filed" in the enclosed envelope. By copy of this letter, two copies of this document have been sent to the Office of Public Counsel and the Office of General Counsel. If you should have any question, please do not hesitate to contact me.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Lisa C. Creighton

LCC/cmw/Enclosures

cc: Office of Public Counsel

Office of General Counsel

Amy R. Wagner

21026266\V-1

CHICAGO KANSAS CITY LONDON LOS ANGELES NEW YORK SAN FRANCISCO ST. LOUIS WASHINGTON, D.C.

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED²
OCT 2 8 1999

PETITION OF COVAD COMMUNICATIONS COMPANY FOR ARBITRATION OF	§ 8	Service Commission
INTERCONNECTION RATES, TERMS, CONDITIONS AND RELATED	8 8 8	CASE NO. TO-2000-278
ARRANGEMENTS WITH SOUTHWESTERN BELL TELEPHONE COMPANY	\$ §	10 2000 270

MOTION TO WITHDRAW
PETITION OF DIECA COMMUNICATIONS, INC.
D/B/A COVAD COMMUNICATIONS COMPANY,
FOR ARBITRATION OF INTERCONNECTION TERMS,
CONDITIONS, AND RELATED ARRANGEMENTS WITH
SOUTHWESTERN BELL TELEPHONE COMPANY

Comes now DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), and hereby withdraws its Petition for Arbitration of Interconnection Terms, Conditions, and Related Arrangements with Southwestern Bell Telephone Company ("Petition for Arbitration") filed on October 15, 1999. In support of this withdrawal, Covad states as follows:

- 1. On October 15, 1999, Covad filed its Petition for Arbitration with the Missouri Public Service Commission ("Commission") pursuant to the Federal Telecommunications Act.
- 2. Pursuant to the Federal Telecommunications Act, the Petition for Arbitration should have been filed between the 135th and 160th day (inclusive) after the date that Southwestern Bell Telephone Company received Covad's request for negotiations. Due to a mistake of fact, Covad's filing was premature, and should not have been filed until November 7, 1999.

- 3. The time before which Southwestern Bell Telephone Company ("SWBT") has to respond to the Petition for Arbitration has not expired and no response has been filed. SWBT has been informed of this motion and has no objection.
- 4. Therefore, Covad requests that it be allowed to withdraw its Petition for Arbitration without prejudice. Covad will re-file the Petition for Arbitration on or after November 7, 1999.

WHEREFORE Covad Communications Company respectfully requests that this Commission grant its motion for withdrawal without prejudice.

Respectfully submitted,

SONNENSCHEIN NATH & ROSENTHAL

Mark P. Johnson

MO # 30740

Lisa C. Creighton

MO # 42194

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Kansas City, MO 64111

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

VERIFICATION

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

COMES NOW Lisa C. Creighton, being of lawful age and duly sworn, who swears and affirms as follows:

- 1. My name is Lisa C. Creighton and I am the attorney for Covad Communications Company. In that capacity, I am authorized to verify this Motion to Withdraw 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 and the information contained therein on behalf of Covad Communications Company.
- 2. The information contained in the Motion to Withdraw 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 is true and accurate to the best of my knowledge and belief.

Lisa C. Creighton

Subscribed and sworn to before me this <u>15th</u> day of <u>Orthur</u>, 1999.

Notary Public

My Commission Expires:

CARMEN M. WESSON
NOTARY PUBLIC STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXP. MARCH 23, 2000