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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

**FILED<sup>2</sup>**  
**OCT 28 1999**  
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-2000-278

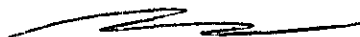
Dear Mr. Roberts:

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

21026266V-1

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED<sup>2</sup>  
OCT 28 1999

PETITION OF COVAD COMMUNICATIONS  
COMPANY FOR ARBITRATION OF  
INTERCONNECTION RATES, TERMS,  
CONDITIONS AND RELATED  
ARRANGEMENTS WITH SOUTHWESTERN  
BELL TELEPHONE COMPANY

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CASE NO.  
TO-2000-278

Missouri Public  
Service Commission

**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 135<sup>th</sup> and 160<sup>th</sup> 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.

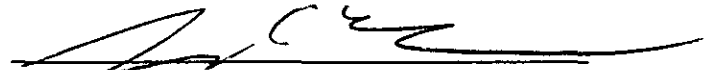
3. The time before which Southwestern Bell Telephone Company ("SWBT") has to respond to the Petition for Arbitration has not expired and no response has been filed. SWBT has been informed of this motion and has no objection.

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,

SONNENSCHN NATH & ROSENTHAL



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COVAD COMMUNICATIONS

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