

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Petition of DIECA Communi-)
cations, Inc., d/b/a Covad Communications)
Company, for Arbitration of Interconnection) Case No. TO-2000-322
Rates, Terms, Conditions and Related Arrange-)
ments With Southwestern Bell Telephone Company.)

CONCURRING OPINION OF CHAIR SHEILA LUMPE

I am able to concur in this Arbitration Order because the underlying agreement is for a limited term of one year and because the Commission has directed the production of new cost studies. However, I do support Staff's position that costs for restoration of bridged taps should have been removed from conditioning costs.

The use of bridged tap is at the sole discretion of Southwestern Bell Telephone Company and is a means that it uses to service its new customers while avoiding investment it should be making in its own network. Southwestern Bell Telephone Company's assertion that Covad Communications Company is responsible for this cost has no merit. The use of bridged taps provide no benefit to Covad Communications Company and hinders high-speed data access that both incumbent and competitive local exchange companies desire to provide to meet growing consumer demand for these services.

I can find no justification for including restoration of bridged taps as a cost of providing an xDSL-capable loop.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Sheila Lumpe".

**Sheila Lumpe
Chair**

Dated at Jefferson City, Missouri,
on this 23rd day of March, 2000.