

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Amendment	)	
Superseding Certain 251/252 Matters to	)	
Interconnection Matters Under Sections	)	
251 and 252 of the Telecommunications	)	TO-2005-0287
Act of 1996 between Sage Telecom, Inc.	)	
And Southwestern Bell Telephone, L.P.,	)	
d/b/a SBC Missouri	)	

**SAGE TELECOM, INC. AND SOUTHWESTERN BELL TELEPHONE, L.P.,**  
**D/B/A SBC MISSOURI'S MOTION FOR EXPEDITED TREATMENT**  
**PURSUANT TO 4 CSR 240-2.080(16)**

Come now Sage Telecom, Inc. ("Sage") and Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri"), and for their Motion for Expedited Treatment pursuant to 4 CSR 240-2.080(16), state as follows:

1. On February 10, 2005, Sage and SBC Missouri filed their Amendment Superseding Certain 251/252 Matters to Interconnection Agreements Under Sections 251 and 252 of the Telecommunications Act of 1996 between Sage Telecom, Inc. and Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("Amendment"). Additionally, attached to and incorporated as exhibits to the Amendment were the Private Commercial Agreement for Local Wholesale Complete ("LWC Agreement") and two amendments thereto (collectively, the LWC Agreement and its two amendments are referred to as the "LWC Documents") between Sage and SBC Missouri (as well as a Sage affiliated CLEC and other SBC ILECs).

2. On February 25, 2005, the Staff of the Missouri Public Service Commission ("Staff") filed its Application to Open Case to Review an Interconnection Agreement ("Application").

3. In its Application, Staff contends that the Commission should review the Amendment and the LWC Documents under Section 252(a)(1) of the Telecommunications Act of 1996.<sup>1</sup> As Sage and SBC Missouri stated in their February 10, 2005 joint filing letter, while we believe that only the Amendment is subject to Commission review under Section 252, to the extent that the Missouri Public Service Commission (“Commission”) for any reason determines that the LWC Documents or any part thereof is subject to Section 252, Sage and SBC Missouri respectfully request that the Commission approve the LWC Documents or their pertinent parts under Section 252.<sup>2</sup>

4. In its Application, Staff also contends that the Amendment and LWC Documents constitute a negotiated interconnection agreement requiring Commission approval.<sup>3</sup> Sage and SBC Missouri respectfully disagree with Staff’s view that the Amendment and LWC Documents constitute a new agreement. Rather, the Amendment is an amendment to an underlying interconnection agreement (the M2A) which remains in effect and will govern the dealings between the parties to the extent that the underlying interconnection agreement is not inconsistent with the Amendment. However, since the only impact of such a designation is the path to approval, it does not appear material to either Sage and SBC Missouri so long as approval takes place in a timely manner, namely, March 1, 2005.

5. As Sage and SBC Missouri indicated in their joint filing letter dated February 10, 2005, Sage and SBC Missouri respectfully request expedited treatment, on

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<sup>1</sup> See Application, paragraph 7.

<sup>2</sup> In Texas, which treated the LWC Agreement as subject to Section 252, Sage and SBC Missouri also fully reserved their respective rights to appeal and otherwise seek review of any such treatment and related determinations.

<sup>3</sup> See Application, paragraph 9.

or before March 1, 2005 in connection with the Amendment. Sage and SBC Missouri respectfully renew that here, and again request the Commission to rule on the Amendment no later than **March 1, 2005**.<sup>4</sup> As the Commission is aware, on February 4, 2005, the Federal Communications Commission (“FCC”) issued its *Order on Remand, In the Matter of Unbundled Access to Network Elements, et al.*, WC Docket No. 04-313, *et al.*, February 4, 2005. In order to ensure a smooth transition, the Amendment should go into effect before the March 11, 2005 effective date of the FCC’s *Order on Remand*. Specifically, the parties desire Sage to be able to continue to add new customers utilizing SBC Missouri switching services pursuant to the terms and conditions set forth in the LWC Agreement and the two amendments thereto, which are incorporated as exhibits to the Amendment and believe that the public interest would be served in so doing. Further, because the Amendment is not effective until ten (10) days after approval by the Commission, the approval from the Commission must be no later than March 1, 2005 in order to preserve Sage’s ability to add new customers utilizing SBC Missouri’s switching services. Sage and SBC Missouri initially filed their request as soon as they could have, namely, within days after the FCC released its *Order on Remand* and the parties had an opportunity to review it.

Wherefore, Sage Telecom, Inc., and Southwestern Bell Telephone, L.P., d/b/a SBC Missouri pray that the Commission grants their Motion for Expedited Treatment and

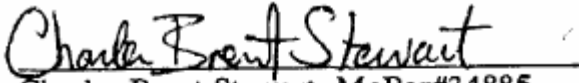
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<sup>4</sup> Sage and SBC Missouri note that in its Application the Staff states that: “despite waiting until February 10, 2005 after the Commission stated in its July 27, 2004 that an entire agreement must be submitted for review, Southwestern Bell, on behalf of itself and Sage, requests approval of their agreement by March 1, 2005; however, they did not file a motion for expedited review under 4 CSR 240-2.080(16).” As the Commission is aware, the Amendment that Sage and SBC Missouri filed in their February 10, 2005 joint filing letter was just that—an Amendment. Amendments are submitted on an informal basis and no case number is assigned to the matter. Thus, it would have been inappropriate to file a formal pleading pursuant to 4 CSR 240-2.080(16) at that time.

approve the Replaced Amendment no later than **March 1, 2005**, together with any additional and further relief the Commission deems just and proper.

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### **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties via e-mail on February 28, 2005.

  
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