10/1/19

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Petition of DIECA)			
Communications, Inc. d/b/a Covad Communications)			
Company for Arbitration of Interconnection)	Case	No.	TO-2000-278
Rates, Terms, Conditions and Related Arrange-)			
ments with Southwestern Bell Telephone Company.)			

NOTICE OF PETITION FOR ARBITRATION

On October 15, 1999, DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), filed its petition for arbitration with the Commission pursuant to the Telecommunications Act of 1996 and Section 386.230 of the Revised Statutes of Missouri¹. The petition requests arbitration to establish an interconnection agreement between Covad and Southwestern Bell Telephone Company (SWBT) pursuant to Section 252(b) of the Communications Act of 1934, as amended. Covad seeks the interconnection agreement to govern the rates, terms, and conditions for interconnection and related arrangements between the parties.

The Commission finds that SWBT shall be made a party to the instant action as it is a necessary and indispensable party to the agreement. The Commission concludes that the Records Department of the Commission shall provide notice of this petition to the

¹ All references herein to the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 1994.

nonpetitioning party, SWBT, and that SWBT shall be permitted to file a response to the petition and any additional information it wishes.

In the relief requested in its petition, Covad asked the Commission to issue a protective order. However, Covad did not mention the request for protective order anywhere else in its petition, and it did not state any grounds justifying such an order. Therefore, the Commission is unable to grant the request at this time. Covad may, of course, apply by motion for a protective order at any time. Such a motion should show that there is a need to protect proprietary or confidential information and that the request for a protective order is reasonable.

IT IS THEREFORE ORDERED:

- 1. That the Records Department of the Missouri Public Service Commission is ordered to serve notice of this petition upon Southwestern Bell Telephone Company.
- 2. That the request for a protective order made by DIECA Communications, Inc., d/b/a Covad Communications Company, is denied.
- 3. That Southwestern Bell Telephone Company shall be made a party in the instant action.
- 4. That Southwestern Bell Telephone Company shall file a response and any other information regarding this petition on or before November 10, 1999, with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send a copy to DIECA Communications, Inc., d/b/a Covad Communications Company.

5. That this order shall become effective on November 1, 1999.

BY THE COMMISSION

Adk Hard Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Vicky Ruth, Regulatory Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1) (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 20th day of October, 1999.

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COMMISSION COUNSELL PUBLIC SERVICE COMMISSION