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January 30, 2001

VIA FEDERAL EXPRESS

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102-0360

FILED²

JAN 31 2001

**Missouri Public
Service Commission**

**Re: In the Matter of the Application of Pathnet, Inc. for a Certificate of Service
Authority to Provide Basic Local Telecommunications Services in Portions of
the State of Missouri and to Classify Said Services and the Company as
Competitive; Case No. TA-2000-665**

Dear Mr. Roberts,

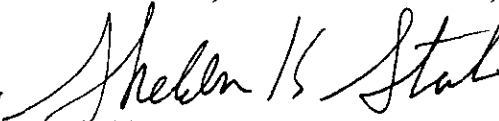
Enclosed for filing with the Commission in the above-referenced case is an original and eight (8) copies of Pathnet, Inc.'s Motion For Relief From Prior Order.

Please stamp "Filed" on the extra copy and return it to me in the enclosed self-addressed envelope.

Thank you for your assistance.

Yours very truly,

GREENSFELDER, HEMKER & GALE, P.C.

By 
Sheldon K. Stock

SKS/kka
Enclosures
429694.3

cc: Counsel of Record
Gerard Waldron, Esq.
Faith Kasparian, Esq.

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

FILED²
JAN 31 2001

Missouri Public
Service Commission

In the Matter of the Application of Pathnet,)
Inc. for a Certificate of Service Authority to)
Provide Basic Local Telecommunications)
Services in Portions of the State of Missouri)
and to Classify Said Services and the)
Company as Competitive)

Case No. TA-2000-665

MOTION FOR RELIEF FROM PRIOR ORDER

COMES NOW Pathnet, Inc., ("Pathnet") and requests the Commission to relieve it of the requirement to file a proposed procedural schedule. In support of its Motion, Pathnet states as follows:

1. On December 19, 2000, the Commission issued an Order effective December 29, 2000 requiring Pathnet to file a status report in respect to certain unresolved issues between Pathnet and the Commission's Staff (the "Staff") by January 31, 2001.
2. On January 5, 2001, representatives of Pathnet and the Staff met to discuss various aspects of Pathnet's proposed tariff. These discussions are ongoing, and the issues revolve around the type of business that Pathnet proposes which is not easily categorized in respect to what Commission rules and regulations apply.
3. At this time, Pathnet does not yet have the necessary interconnection agreement negotiated and approved by the Commission. Since the Commission will not generally approve any tariff until a competitive local exchange carrier has an approved interconnection agreement, the fact that the tariff is still being discussed should not create an issue or be deemed as delaying the provision of service.
4. Pathnet will continue to work with the Staff on resolving issues in respect to the tariff while at the same time proceeding to negotiate an interconnection agreement with the necessary parties.

5. No harm should come to any party or the public, nor would it benefit the Commission to require the filing of any sort of a procedural schedule at this stage since such action would be premature in light of the fact that Pathnet does not yet have an interconnection agreement.

WHEREFORE, Pathnet, Inc., respectfully requests the Commission to relieve it of the requirement to file a proposed procedural schedule and to follow the normal process whereby Pathnet will be required to file a tariff within 30 days after the date that an interconnection agreement is approved by the Commission.

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

By: 

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Attorney for Pathnet, Inc.


CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 30th day of January, 2001 to:

Paul G. Lane, Esq.
Leo J. Bub, Esq.
Anthony K. Conroy, Esq.
Katherine C. Swaller, Esq.
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101

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P.O. Box 7800
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Missouri Public Service Commission
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