

STEWART & KEEVIL, L.L.C.
ATTORNEYS AT LAW

ORIGINAL

CHARLES BRENT STEWART
JEFFREY A. KEEVIL

1001 CHERRY STREET
SUITE 302
COLUMBIA, MISSOURI 65201-7931

TELEPHONE (573) 499-0635
FACSIMILE (573) 499-0638

FILED

December 9, 1999

DEC 9 1999

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Executive Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

TO- 2000-364

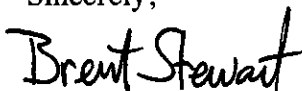
Re: Intermedia Communications Inc./SWBT Interconnection Agreement

Dear Mr. Roberts:

Please find enclosed for filing an original and fourteen copies of the verified Application Of Intermedia Communications Inc. For Approval Of An Interconnection Agreement Pursuant To The Telecommunications Act of 1996. Also please find enclosed for filing an original and five copies of the actual Interconnection Agreement with the pages numbered seriatim in the bottom right hand corner.

A copy of this filing has been sent this date to counsel for Southwestern Bell Telephone Company and the Office of the Public Counsel. Thank you.

Sincerely,


Brent Stewart

CBS/bt

Enclosure

cc: Counsel for SWBT
Office of the Public Counsel
Scott Sapperstein

ORIGINAL

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of The Application of)
Intermedia Communications Inc. for Approval)
of an Interconnection Agreement with)
Southwestern Bell Telephone Company)
Pursuant to the Telecommunications Act of 1996.)

Case No. TO-2600-364

FILED
DEC 9 1999
Missouri Public
Service Commission

**APPLICATION OF INTERMEDIA COMMUNICATIONS INC. FOR APPROVAL OF
AN INTERCONNECTION AGREEMENT UNDER THE
TELECOMMUNICATIONS ACT OF 1996**

Comes now Intermedia Communications Inc. ("Intermedia"), by and through local counsel, and hereby files this Application for approval of its Interconnection Agreement ("the Agreement") pursuant to the Telecommunications Act of 1996 ("FTA 96") between Southwestern Bell Telephone Company ("SWBT") and Intermedia, and respectfully states as follows:

I. INTERCONNECTION AGREEMENT ADOPTED

Intermedia is a certificated provider of competitive basic local telecommunications services in portions of the state of Missouri pursuant to the authority granted in Case No. TA-97-264. Pursuant to 4 CSR 240-2.060(4)(E), Intermedia refers the Commission to Case No. TA-97-264 and incorporates by reference herein any required documentation or information which has been previously provided to the Commission in that case. Intermedia's initial interconnection agreement with SWBT was approved by the Commission in Case No. TO-97-260 (order issued on March 7, 1997) and Intermedia's initial basic local tariff was approved on December 9, 1997. Intermedia and SWBT have now agreed to replace Intermedia's initial interconnection agreement through the adoption of SWBT's interconnection agreement with AT&T.

Intermedia in this Application presents to this Commission for approval the Agreement (Attachment I) executed pursuant to Section 252(i) of the FTA 96. The Agreement is virtually and

in all material respects identical to, and is an adoption of, the Interconnection Agreement between SWBT and AT&T which previously was approved by this Commission as a result of Case Nos. TO-97-40 and TO-98-115. Intermedia and SWBT executed the Agreement on November 11, 1999 and November 22, 1999, respectively. Said Agreement consists of thirty-nine (39) pages plus Attachments and Appendices. There are no outstanding issues between Intermedia and SWBT which require mediation or arbitration.

II. REQUEST FOR APPROVAL

Intermedia seeks the Commission's approval of the Agreement, consistent with the provisions of the FTA 96 and applicable Missouri law. Intermedia believes that the implementation of this Agreement complies fully with the FTA 96 because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services.

Intermedia respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or other delay in its implementation. The Agreement is virtually identical to, and is an adoption of, the SWBT and AT&T Interconnection Agreement previously approved by the Commission. As such, Intermedia does not believe that a contested docket or intervention by other parties, other than perhaps by SWBT, is necessary or appropriate.

III. STANDARD FOR REVIEW

The statutory standards of review are set forth in Section 252(e) of the Telecommunications Act of 1996 which provides as follows:

- (1) **APPROVAL REQUIRED** - Any interconnection agreement adopted by

negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2) **GROUND FOR REJECTION** - The State commission may only reject -

(A) an agreement (or any portion thereof) discriminates adopted by negotiation under subsection (a) if it finds that -

- i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- ii) the implementation of such agreement or portion is not consistent with the public interest convenience and necessity...

The attached affidavit of Scott Sapperstein, Senior Policy Counsel for Intermedia, establishes that the Agreement submitted herein satisfies these standards and Commission approval of the Agreement is otherwise consistent with Section 252(i) of the FTA 1996.

IV. MISSOURI LEGISLATION

The executed Agreement also is consistent with Chapter 392 RSMo because it is in all material respects the same as the Interconnection Agreement between SWBT and AT&T previously approved by the Commission and other AT&T/SWBT "opt-in" Interconnection Agreements recently approved by the Commission.

V. CONCLUSION

WHEREFORE, Intermedia Communications Inc. respectfully requests that the Commission approve the Interconnection Agreement between Intermedia and SWBT as expeditiously as possible.

Respectfully Submitted,

Charles Brent Stewart

Charles Brent Stewart, MoBar #34885

STEWART & KEEVIL, L.L.C.

1001 Cherry Street, Suite 302

Columbia, Missouri 65201-7931

(573) 499-0635 (telephone)

(573) 499-0638 (facsimile)

Stewart499@aol.com (email)

**ATTORNEY FOR APPLICANT
INTERMEDIA COMMUNICATIONS INC.**

VERIFICATION OF APPLICATION

I, Charles Brent Stewart, local counsel for Intermedia Communications Inc., hereby affirm that I have been authorized to file the foregoing Application on behalf of Applicant on the 9th day of December, 1999 and that the statements contained therein are true to the best of my knowledge, information and belief.

Charles Brent Stewart

Charles Brent Stewart, MoBar#34885

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application of Intermedia Communications Inc. For Approval of an Interconnection Agreement with Southwestern Bell Telephone Company Pursuant to the Telecommunications Act of 1996, with Attachments, was sent to counsel for Southwestern Bell Telephone Company, and the Office of the Public Counsel, by depositing same in the United States Mail, first-class postage prepaid, or by hand-delivery, this 9th day of December, 1999.

Charles Brent Stewart