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**FILED<sup>3</sup>**

JUL 27 2000

July 26, 2000

Missouri Public  
Service Commission

**VIA FEDERAL EXPRESS**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
The Truman State Office Building  
5th Floor, 301 West High Street  
Jefferson City, MO 65102

**Re: Case No. TA-2000-491; Stipulation and Agreement- Unopposed Joint Motion to Clarify Order Granting Certificate to Provide Basic Local and Local Access Telecommunications Services**

Dear Mr. Roberts:

Enclosed please find an original and 9 copies of an Unopposed Joint Motion to Clarify Order Granting Certificate to Provide Basic Local and Local Access Telecommunications Services in case number TA-2000-491, executed on behalf of NewPath Holdings, Inc., the Staff of the Missouri Public Service Commission, and the Office of the Public Counsel.

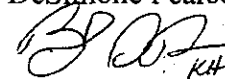
Please file stamp the extra copy of this filing and return it to us in the enclosed self addressed, stamped envelope.

As always, please do not hesitate to contact the undersigned if you have any questions.

Very truly yours,

DeSimone Pearson, LC

By



Brad I. Pearson

BIP/jmg  
Enclosures

cc: Michael Dandino, Office of the Public Counsel  
Julie Kardis, Office of the General Counsel  
Mimi MacDonald, Counsel for Southwestern Bell

Before the  
**MISSOURI PUBLIC SERVICE COMMISSION**

**FILED**<sup>3</sup>  
JUL 27 2000

Missouri Public  
Service Commission

In the Matter of the Amended Application )  
of NewPath Holdings, Inc. for a Certificate )  
of Service Authority to Provide Switched )  
and Dedicated Resold and Facilities-Based )  
Local Exchange Telecommunications )  
Services and Resold and Facilities-Based )  
Interexchange Telecommunications Services )  
within the State of Missouri and to Classify )  
Said Services and the Company as Competitive. )

Docket No. TA-2000-491

To the Commission:

**UNOPPOSED JOINT MOTION TO CLARIFY ORDER GRANTING  
CERTIFICATE TO PROVIDE BASIC LOCAL  
AND LOCAL ACCESS TELECOMMUNICATIONS SERVICES**

NewPath Holdings, Inc, the Office of the General Counsel, and the Office of the Public Counsel, hereby jointly move, pursuant 4 CSR 240-2.080, that the Missouri Public Service Commission amend and clarify its June 20, 2000 Order Granting NewPath Certificate to Provide Basic Local and Exchange Access Telecommunications service (the "Order"), to address certain omissions from such Order as described in more detail in this Motion.

In support of this Motion, the parties state as follows:

1. The Order provided that it would become effective on June 30, 2000.
2. The Order provided that the case may be closed on July 1, 2000.
3. The Parties respectfully request that the case be reopened for the purpose of clarifying the Order as set forth in this Motion.

4. There is good cause for permitting this Motion and for clarifying the Order after the effective date of the Order and after the date of closure of the Order because of the time required prior to its filing to review and agree upon the terms of this Motion between and among the various parties.

5. The Commission, concurrently with this Order, approved the Unanimous Stipulation and Agreement of the parties, filed with the Commission on June 6, 2000 (the "Stipulation").

6. The Stipulation, and NewPath's Application, were captioned "in the Matter of the Application of NewPath Holdings, Inc. for a Certificate of Service Authority to Provide Switched and Dedicated Resold and Facilities-based Local Exchange Telecommunications Services and Resold and Facilities-based Interexchange Telecommunications Services within the State of Missouri and to Classify said Services and the Company as Competitive."

7. The Order contains a caption which differs from the scope of services, and the caption for same, included in the Application and the Stipulation.

8. The Stipulation, and NewPath's Application, included as one of the requested regulatory waivers 4 CSR 240-32.030(4)(C), a regulatory waiver previously approved by the Commission.

9. The Order does not yet include a waiver of 4 CSR 240-32.030(4)(C).

10. The Application, and the Stipulation, included both a request that NewPath be granted its request for authority to provide basic local exchange telecommunications services and local exchange telecommunications services (including exchange access service), and a request for authority to provide interexchange telecommunications services, and that such services be classified as competitive telecommunications services .

11. The Order does not address NewPath's application and request for authority to provide interexchange telecommunications services and did not classify such services as competitive telecommunications services.

12. Southwestern Bell's counsel has reviewed this Joint Motion and Southwestern Bell's counsel has informed the parties that Southwestern Bell does not oppose this Joint Motion, and will not oppose this Joint Motion.

13. No party has opposed the foregoing relief sought by NewPath, nor have any grounds been asserted as to why such relief should not be granted.

NOW, THEREFORE, the parties hereby respectfully request that the Commission clarify and amend the Order to address the foregoing issues and do so consistent with the following:

1. The parties hereby respectfully request that the Commission clarify the Order to incorporate a caption consistent with the services encompassed by the Application and the Stipulation, as described in paragraph 6 above.

2. The parties hereby respectfully request that the Commission clarify the Order to include a waiver of 4 CSR 240-32.030(4)(C), one of the standard commission-approved regulatory waivers.


3. The parties hereby respectfully request that the Commission clarify the Order to grant NewPath's Application and request for authority to provide interexchange telecommunications services and to classify such services as competitive telecommunications services.

4. The granting by the Commission of this Motion, by clarifying the Order as stated herein, will serve the public interest.

5. This Motion is not opposed by any of the parties having an interest herein and is consistent with past Commission practice and policy.

For the foregoing reasons, the undersigned parties hereby respectfully move that the Commission clarify and amend the Order as requested in this Motion and in accordance with the terms of the Stipulation.

Respectfully Submitted,



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Before the  
**MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Application of )  
NewPath Holdings, Inc. for a )  
Certificate of Service Authority to )  
Provide Switched and Dedicated )  
Resold and Facilities-Based Local )  
Exchange Telecommunications )  
Services and Resold and Facilities-Based )  
Interexchange Telecommunications )  
Services within the State of )  
Missouri and to Classify Said Services )  
and the Company as Competitive. )

Case No. TA-2000-491

To the Commission:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Unopposed Joint Motion in the above referenced matter was mailed, U.S. mail, postage prepaid, this 26<sup>th</sup> day of July, 2000 to:

Paul G. Lane  
Leo J. Bub  
Anthony K. Conroy  
Mimi B. MacDonald  
Attorneys for Southwestern Bell Telephone Company  
One Bell Center, Room 3510  
St. Louis, MO 63101

Julie Kardis  
Office of General Counsel  
301 W. High Street  
Jefferson City, MO 65101

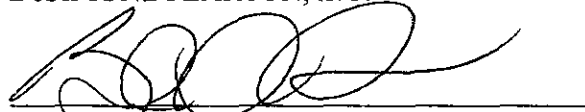
Office of the Public Counsel  
301 W. High Street  
Jefferson City, MO 65101

Dated: July 26, 2000

Respectfully Submitted,

DeSIMONE PEARSON, L.C.

By



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COUNSEL FOR NEWPATH