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September 2, 1999

FILED

SEP 3 1999

Missouri Public  
Service Commission

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
301 West High Street, Floor 5A  
Jefferson City, Missouri 65101

Re: Case No. TO-2000-92

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Telephone Company's Motion To Accept Facsimile Copy Of Pleading.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Leo J. Bub".

Leo J. Bub

Enclosure

cc: Attorneys of Record

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

**FILED**  
SEP 3 1999  
Missouri Public  
Service Commission

In the Matter of Physical Collocation Completion     )  
Intervals under the Interconnection Agreement     )  
between BroadSpan Communications, Inc. d/b/a     )     Case No. TO-2000-92  
Primary Network Communications, Inc. and     )  
and Southwestern Bell Telephone Company.     )

**SOUTHWESTERN BELL TELEPHONE COMPANY'S  
MOTION TO ACCEPT FACSIMILE COPY OF PLEADING**

Southwestern Bell Telephone Company respectfully requests the Missouri Public Service Commission to accept a facsimile copy of its Motion to Dismiss, or in the Alternative, To Hold In Abeyance and Response, filed simultaneously with this Motion. In support of its Motion, Southwestern Bell states:

1. On Monday, August 30, 1999, the Commission issued an Order and Notice in this case granting BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc.'s (PNC) request that Southwestern Bell be required to file an expedited response to PNC's application. The Commission directed Southwestern Bell to file its response to PNC's application by Thursday, September 2, 1999.

2. The Commission's August 30 Order and Notice was only served on Southwestern Bell by mail. As a result, Southwestern Bell did not receive the Commission's August 30, 1999 Order and Notice until noon on September 1, 1999 when its legal department's mail was delivered.

3. The Commission normally provides a respondent between 15 and 30 days to file a response to a complaint or request for arbitration (e.g., in Case No. TO-99-279 the Commission provided 18 days).

4. While Southwestern Bell does not object to providing an expedited response in this case, service of the Order and Notice shortening the time for Southwestern Bell to respond

was delayed by the mail. This delay has further shortened Southwestern Bell's time to respond, making its response due the day after receipt of notice of the due date.

5. Southwestern Bell has worked diligently to prepare its response within the timeframe set out by the Commission. But given the unintentional further shortening of the period for responding, Southwestern Bell was unable to prepare its response and have the original of its response in Jefferson City for filing.

6. Southwestern Bell therefore requests that the Commission accept a facsimile copy of its response for filing on today's due date. The original response will be delivered to the Commission tomorrow, September 3.

7. There should be no prejudice to any party as service copies will be sent on the day of filing, September 2, as normally done under the Commission's procedural rules.

WHEREFORE, Southwestern Bell respectfully requests the Commission to accept for filing a facsimile copy of its Motion to Dismiss, or in the Alternative, to Hold in Abeyance and Response being filed with this Motion.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

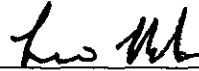
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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on September 2, 1999.



Leo J. Bub

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