

ORIGINAL

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

CHARLES BRENT STEWART  
JEFFREY A. KEEVIL

1001 CHERRY STREET  
SUITE 302  
COLUMBIA, MISSOURI 65201-7931

AREA CODE 573  
TELEPHONE 499-0635  
FACSIMILE 499-0638

WILLIAM M. SHANSEY  
OF COUNSEL

FILED

September 1, 1999

SEP - 1 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 - 202

Re: Allegiance Telecom of Missouri, Inc./SWBT Interconnection Agreement

Dear Mr. Roberts:

Please find enclosed for filing an original and fourteen copies of the verified Application Of Allegiance Telcom, Inc. For Approval Of An Interconnection Agreement Pursuant To The Telecommunications Act of 1996 *and* a Motion For Expedited Consideration. 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  
Mr. Robert W. McCausland

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED  
SEP - 1 1999  
Missouri Public  
Service Commission

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

Case No. TO-2000-202

**APPLICATION OF ALLEGIANCE TELECOM, INC. FOR APPROVAL OF**  
**AN INTERCONNECTION AGREEMENT UNDER THE**  
**TELECOMMUNICATIONS ACT OF 1996**

Comes now Allegiance Telecom, Inc. ("Allegiance"), 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 Allegiance, and respectfully states as follows:

**I. INTERCONNECTION AGREEMENT ADOPTED**

Allegiance is a provider of competitive telecommunications services in several states and currently has pending before the Commission in Case No. TA-2000-1 its Application for a certificate of service authority to provide basic local telecommunications services in portions of the State of Missouri. Pursuant to 4 CSR 240-2.060(4)(E), Allegiance refers the Commission to Case No. TA-2000-1 and incorporates by reference herein any required documentation or information which has been previously provided to the Commission in that case.

Allegiance 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. Allegiance and SWBT executed the Agreement on August 19, 1999

and August 23, 1999, respectively. Said Agreement consists of forty (40) pages plus Attachments and Appendices. There are no outstanding issues between Allegiance and SWBT which require mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

Allegiance seeks the Commission's approval of the Agreement, consistent with the provisions of the FTA 96 and applicable Missouri law. Allegiance 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 once Allegiance is certificated and has effective tariffs.

Allegiance 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, Allegiance 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 Mary Albert, Regulatory Counsel for Allegiance, 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, Allegiance Telecom, Inc. respectfully requests that the Commission approve the Interconnection Agreement between Allegiance 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  
ALLEGIANCE TELECOM, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Application of Allegiance Telecom, 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 1<sup>st</sup> day of SEPTEMBER, 1999.

Charles Brent Stewart

**VERIFICATION OF APPLICATION**

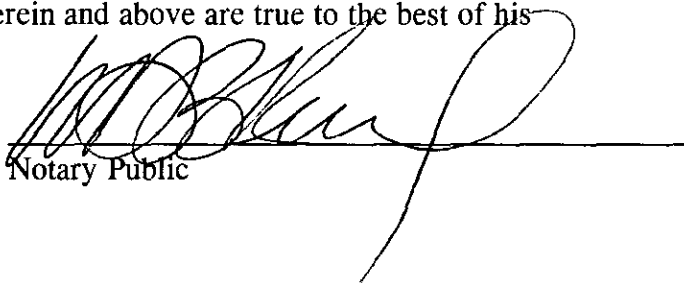
I, Charles Brent Stewart, local counsel for Allegiance Telecom, Inc. and pursuant to 4 CSR 240-2.060(F), hereby swear and affirm that I have been authorized to file the foregoing Application on behalf of Applicant and that the statements contained therein are true to the best of my knowledge, information and belief.



Charles Brent Stewart, MoBar#34885

STATE OF MISSOURI     )  
                                      ) SS  
COUNTY OF BOONE     )

I, Wendy A.B. Kennedy, a Notary Public do hereby certify that on this 1<sup>ST</sup> day of September, 1999 personally appeared before me Charles Brent Stewart who declared that all the statements contained herein and above are true to the best of his knowledge, information and belief.

  
Notary Public

(SEAL)

My Commission expires:

W. A. B. Kennedy  
Notary Public, State of Missouri  
County of Boone  
My Commission Expires 03/11/00

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

In the Matter of the Application of )  
Allegiance Telecom of Missouri, Inc. for )  
Approval of an Interconnection Agreement ) Case No. \_\_\_\_\_  
with Southwestern Bell Telephone )  
Company Pursuant to the )  
Telecommunications Act of 1996. )

**AFFIDAVIT OF MARY C. ALBERT**

CITY OF WASHINGTON )  
 ) SS  
DISTRICT OF COLUMBIA )

Before me the Undersigned Authority, on the 30th day of August, 1999, personally appeared Mary C. Albert, Regulatory Counsel for Allegiance Telecom, Inc. ("Allegiance") who, upon being by me duly sworn on oath deposed and said the following:

1. My name is Mary C. Albert. I am over 21 years of age, of sound mind and competent to testify to the matters stated herein. I am the Regulatory Counsel for Allegiance, and I have personal knowledge, on behalf of Allegiance, concerning the Interconnection Agreement ("Agreement") between Southwestern Bell Telephone Company ("SWBT") and Allegiance which is the subject of the Application in the above-referenced case. Pursuant to Section 252(i) of the Telecommunications Act of 1996, Allegiance has executed said Agreement on August 19, 1999 and SWBT has executed said Agreement on August 23, 1999. I am fully familiar with the terms of said Agreement.

2. The Agreement incorporates its price schedules, exhibits and appendices into an integrated package. The Agreement incorporates the identical terms and conditions as the Interconnection Agreement between AT&T Communications and SWBT, which was previously approved by the Missouri Public Service Commission as a result of Case Nos. TO-97-40 and TO-98-115. Accordingly, the Agreement does not discriminate against any telecommunications carrier that is not a party to the Agreement. The Agreement should be available to any similarly situated local service provider seeking to negotiate a similar interconnection agreement.

3. The Agreement provides for interim number portability, and ultimately envisions the development and implementation of long term number portability.


4. The implementation of the Agreement is consistent with the Telecommunications Act of 1996 and is in the public interest, convenience and necessity. Once Allegiance is fully certificated by the Missouri Public Service Commission and has received approval of its tariffs, the Agreement will allow the exchange of traffic between SWBT and Allegiance within the State of Missouri. This Agreement also is consistent with the provisions of Chapter 392

RSMo.

5. Pursuant to the terms of the Agreement, Allegiance will provide Missouri customers an alternative to SWBT for their local exchange telecommunications service needs. As such, the Agreement serves the goals of the Telecommunications Act of 1996 of promoting diversity of providers and interconnectivity, and a fully competitive telecommunications marketplace for local exchange services.

6. There are no outstanding issues between the parties that require the assistance of mediation or arbitration at the present time.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Mary C. Albert  
D.C. Bar # 347617

Subscribed and sworn to before me this 30th day of August, 1999.

  
\_\_\_\_\_  
Notary Public

My Commission expires:

1/1/03

