



Mel Carnahan
Governor

Joseph L. Driskill
Director

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February 10, 2000

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FEB 14 2000

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Truman State Office Building, Rm. 530
Jefferson City, MO 65102

Re: Case No. TO-2000-322
Request for Participation Without Intervention

Dear Mr. Roberts:

Enclosed for filing please find an original and fourteen (14) copies of the Missouri Department of Economic Development's Request for Participation Without Intervention in the above-referenced case.

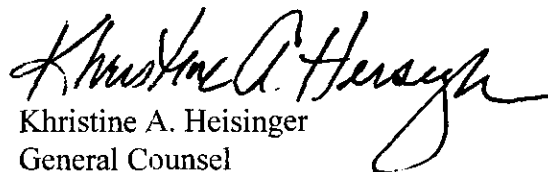
Please contact me if there are any questions regarding this filing. My telephone number is 573/751-5097.

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Public Service Commission

Sincerely,


Khristine A. Heisinger
General Counsel

Enclosures

c: Michael Dandino, OPC
Dan Joyce, General Counsel, PSC
Paul G. Lane/Leo J. Bub/Anthony K. Conroy/Mimi MacDonald, SBTC
Christopher Goodpastor/Mark P. Johnson/Lisa C. Creighton, SN&R



BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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In the Matter of the Petition of)
Dieca Communications, Inc.,)
d/b/a Covad Communications Company)
for Arbitration of Interconnection Rates,)
Terms, Conditions and Related)
Arrangements with)
Southwestern Bell Telephone Company.)

Case No. TO-2000-322

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Missouri Public
Service Commission

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT'S
REQUEST TO PARTICIPATE WITHOUT INTERVENTION

COMES NOW the Missouri Department of Economic Development, by and through counsel, and pursuant to Title 4 C.S.R. 240-2.075(5) for its Request to Participate Without Intervention states to the Commission:

1. The Missouri Department of Economic Development ("Department") is an executive agency of the State of Missouri existing pursuant to Section 36(a) of Article IV of the Missouri Constitution and Section 620.010, RSMo.
2. The Department has, as its constitutionally-prescribed role, to "administer all programs provided by law relating to the promotion of the economy of the state, the economic development of the state, trade and business, and other activities and programs impacting on the economy of the state." MO. CONST. ART. IV, SEC. 36(a).
3. The Department has, among its goals, the development, enhancement and support of infrastructure development that facilitates Missouri's economic development and growth.
4. At issue in the above-captioned case are rates that Southwestern Bell Telephone Company can charge Covad, a competitive local exchange carrier, for making changes

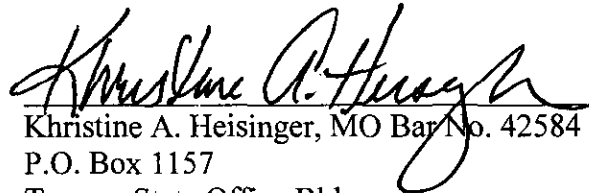
to current lines to make a switch from using those lines for traditional telephone use, where voice quality is paramount, to using those lines as digital subscriber lines to provide high speed data transmission.

5. There are numerous types of technology available to provide people and businesses with high speed data transmission. It is purported that the methodology that Covad uses can be faster and cheaper for its customers than others currently available.
6. High speed data transmission can provide easy and unfettered access to the Internet, something that is not only valuable to the citizens of this state, but essential to the economic development of this state.
7. Fair competition among the providers of the newest and best technologies affects the availability of those technologies to businesses and other consumers.
8. The issue of what amount Southwestern Bell is able to charge as a result of this case may effect Missouri's economy in that it could effect the extent to which Missouri offers ready access to the newest and best technology, which in turn enhances the growth of technology-based companies and the technological efficiencies of other types of companies, as well as the quality of life in today's world.
9. As compared to the current parties in this case, the Department, in its capacity as a driver of economic development in this state, can offer a unique public policy perspective regarding the importance of affordable quality high speed data transmission to our state's economic future.
10. The Department will waive any opportunity for the presentation of an opening statement but would request leave to file a brief after the close of the hearing pursuant to any briefing schedule ordered by the Commission or otherwise set forth in law.

11. In its brief, the Department would not introduce new evidence into the case but only reference matters already admitted or facts which are common knowledge and thus subject to judicial notice, much in the manner of an *amicus curiae* brief.

WHEREFORE, for the foregoing reasons, the Missouri Department of Economic Development respectfully requests the Commission to approve its Request for Participation Without Intervention.

Respectfully submitted,



Kristine A. Heisinger, MO Bar No. 42584

P.O. Box 1157

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Jefferson City, MO 65102-1157

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**ATTORNEY FOR MISSOURI
DEPARTMENT OF
ECONOMIC DEVELOPMENT**

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Petition of)
Dieca Communications, Inc.,)
d/b/a Covad Communications Company)
for Arbitration of Interconnection Rates,) Case No. TO-2000-322
Terms, Conditions and Related)
Arrangements with)
Southwestern Bell Telephone Company.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Missouri Department of
Economic Development's Request for Participation Without Intervention was hand-
delivered this 10th day of February 2000, to:

Michael Dandino
Senior Public Counsel
Office of the Public Counsel
P.O. Box 7800
Truman State Office Bldg., Rm. 250
Jefferson City, MO 65102

Dan Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Truman State Office Bldg., Rm. 530
Jefferson City, MO 65102

and deposited with the U.S. Postal Service postage pre-paid for first class mail delivery, this
10th day of February 2000, to:

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

Christopher Goodpastor,
Mark P. Johnson & Lisa C. Creighton
Sonnenschein, Nath & Rosenthal
4250 Main Street, Suite 1100
Kansas City, MO 64111


Attorney for Missouri Department of
Economic Development