

In the Matter of an Amendment)
Superseding Certain 251/252 Matters) Case No. TO-2004-0584
Between Southwestern Bell Telephone, L.P.)
And Sage Telecom, Inc.)

¹ Exhibit A, *Qwest, MCI Finalize Network Access Pact*, TR Daily, July 19, 2004.

However, MCI and Qwest *will not seek approval* pursuant to Section 252 of the UNE-P replacement portion of their agreement.

Thus, MCI's actions with respect to its own commercial agreement are entirely inconsistent with its position in this proceeding that "any agreement" involving the subject matter of network elements, even a commercial non-Section 251 agreement, must be submitted for approval under the Act.² Moreover, MCI has not explained why, in its view, Sage's agreement for a UNE-P replacement product must be approved by this Commission, while MCI's similar agreement with Qwest for a UNE-P replacement product is not required to be approved by the state commissions in Qwest's territory. In sum, MCI's position in this proceeding is inconsistent with its own conduct and should be disregarded.

Respectfully submitted,
/s/ Charles Brent Stewart

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Local Counsel for Sage Telecom, Inc.

² *In the Matter of the Agreement between SBC Communications, Inc. and Sage Telecom, Inc.; In the Matter of an Amendment Superseding Certain 251/252 Matters between Southwestern Bell Telephone, L.P., and Sage Telecom, Inc.*, Case Nos. TO-2004-0576, TO-2004-0584, Post-Argument Brief of Nuvox Communications of Missouri, Inc. and MCImetro Access Transmission Services, LLC, at ¶¶ 4-5 (Mo. PSC July 14, 2004) (emphasis in original).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent via electronic transmission to counsel for all parties of record in Case No. TO-2004-0584, and to counsel for intervenor applicants, this 20th day of July, 2004.

/s/ Charles Brent Stewart
