

WILLIAM D. STEINMEIER, P.C.

2031 TOWER DRIVE
JEFFERSON CITY, MISSOURI (MO) 65109

WILLIAM D. STEINMEIER
ATTORNEY AT LAW
REGULATORY CONSULTANT
(573) 659-8672
FAX (573) 636-2305

MAILING ADDRESS:
POST OFFICE BOX 104595
JEFFERSON CITY, MISSOURI (MO)
65110-4595

MARY ANN YOUNG
ATTORNEY AT LAW
OF COUNSEL
(573) 634-8109
FAX (573) 634-8224

October 29, 1999

FILED³

OCT 29 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, MO 65102-0360

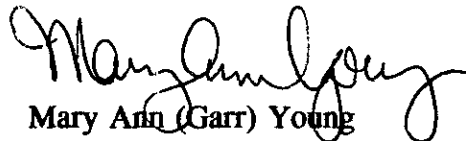
RE: Case No. 70-2000-307
KMC Telecom III, Inc.'s Application for Approval of Interconnection Agreement with
Southwestern Bell Telephone Company

Dear Mr. Roberts:

Enclosed please find an original and fourteen copies of the **Application for Approval of Interconnection Agreement** of KMC Telecom III, Inc. (KMC), for filing with the Commission. Five copies of the Interconnection Agreement between KMC and Southwestern Bell Telephone Company (SWBT) are also enclosed, per the Notice of Waiver of Interconnection Agreement Filing Requirements issued January 4, 1999. A diskette copy is not available, to my knowledge. Please note that the **Interconnection Agreement has been page-numbered seriatim in advance.**

Thank you for your assistance in processing this filing. Copies are being served on the Office of Public Counsel, General Counsel, and counsel for SWBT. If there are any questions, please call me at 634-8109.

Sincerely,


Mary Ann (Garr) Young

Enclosure

cc: Office of Public Counsel
General Counsel's Office (w/o Exhibit A)
SWBT Legal Department
Kevin Minsky, Swidler Berlin

OCT 29 1999

¹The Interconnection Agreement between MCI and SWBT which is substantively identical to the terms of the Interconnection Agreement filed herein was approved by the Commission by Order issued December 23, 1997, in Case No. TO-97-67 (See first footnote * on seriatim page number 37). Parties have reserved certain rights in the second and third footnotes * and * on Pages 32 and 33 (seriatim pages 37 and 38), pending appeal of the Commission's Order in Case Nos. TO-97-40 and TO-98-115, and assert in footnote * on Page 32 of 33 (seriatim page number 37) of this Interconnection Agreement that "Southwestern Bell has signed this document under compulsion of federal and/or state law".

1999 (See page 37). The Agreement consists of 625 pages numbered seriatim on the bottom of the page, including 24 attachments, 14 appendices, and 2 exhibits which are incorporated into the Agreement. There are no outstanding issues between KMC and SWBT that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

KMC seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. The implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

KMC respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties.

The agreement includes seriatim page numbers on the bottom of each page; thus, the Commission should not need to order an additional page-numbered copy to be filed upon approval.

III. STANDARD FOR REVIEW

The statutory standards of review are set forth in Section 252(e) of the Federal Act which provides as follows:

(e) Approval by State Commission

- (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) Grounds for rejection.--The state commission may only reject--

(A) an agreement (or any portion thereof) 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.

IV. MISSOURI LAW

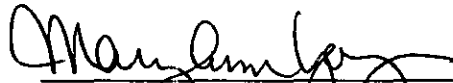
The executed Agreement is consistent with Missouri Law.

V. CONCLUSION

KMC is filing its basic local service tariff concurrent with the filing of this Application, well before the date required by the Commission (30 days after approval of an interconnections agreement), because KMC desires to be in a position to provide service at the earliest possible time. Thus, the Commission's consideration in processing both this Application for Approval of Interconnection Agreement and KMC's basic local service tariff as quickly as possible are requested.

WHEREFORE, so that KMC may commence provide basic local service in Missouri at the earliest possible date, KMC respectfully requests that the Commission approve the Interconnection Agreement expeditiously.

Respectfully submitted,



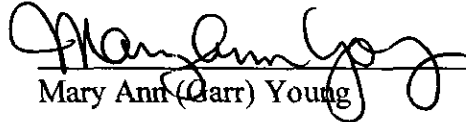
MARY ANN (GARR) YOUNG #27951
William D. Steinmeier, P.C.
P.O. Box 104595
2031 Tower Drive
Jefferson City MO 65110-4595
Telephone: 573-634-8109
Facsimile: 573-634-8224

Attorney for KMC Telecom III, Inc.

Dated: October 29, 1999

CERTIFICATE OF SERVICE

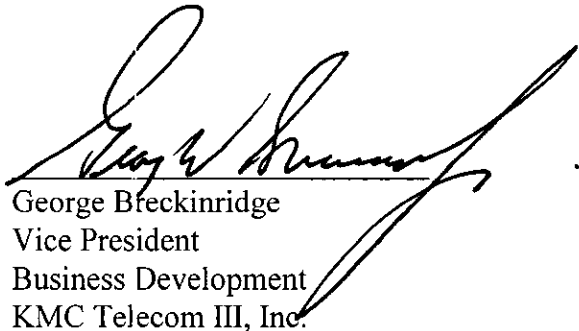
I hereby certify that a copy of this document was hand-delivered or mailed by first class mail, postage prepaid, to the Office of Public Counsel, the General Counsel's office counsel for Southwestern Bell Telephone Company this 29th day of October 1999.


Mary Ann (Garr) Young

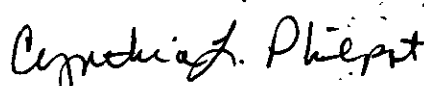
STATE OF GEORGIA)
)
COUNTY OF GWINNETT) ss.

VERIFICATION

I, George Breckinridge, being duly sworn according to law, depose and say that I am an officer of KMC Telecom III, Inc.; that I am authorized to and do make this verification for it; and that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief.


George Breckinridge
Vice President
Business Development
KMC Telecom III, Inc.

SUBSCRIBED AND SWORN to me this 28 day of October, 1999.

Notary Public Cynthia L. Philpot

Notary Public, Gwinnett County, Georgia
My Commission Expires Jan. 6, 2002