

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

ORIGINAL

CHARLES BRENT STEWART
JEFFREY A. KEEVIL

1001 CHERRY STREET
SUITE 302
COLUMBIA, MISSOURI 65201-7931

TELEPHONE (573) 499-0635
FACSIMILE (573) 499-0638

April 17, 2000

FILED

APR 17 2000

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- 654

Re: Everest Connections Corporation/SWBT Interconnection Agreement

Dear Mr. Roberts:

Please find enclosed for filing an original and fourteen copies of the verified Application Of Everest Communications Corporation For Approval Of An Interconnection Agreement Pursuant To The Telecommunications Act of 1996. 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
Brent Stewart

CBS/bt

Enclosure

cc: Counsel for SWBT
Office of the Public Counsel
Kathleen Troughton

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

FILED

APR 17 2000

Missouri Public
Service Commission

In the Matter of Everest Connections Corporation)
for Approval of an Interconnection Agreement)
with Southwestern Bell Telephone Company)
Pursuant to the Telecommunications Act of 1996.)

Case No. TO-2000-654

**APPLICATION OF EVEREST CONNECTIONS CORPORATION FOR APPROVAL OF
AN INTERCONNECTION AGREEMENT UNDER THE
TELECOMMUNICATIONS ACT OF 1996**

Comes now Everest Connections Corporation ("Everest"), 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 Everest, and respectfully states as follows:

I. INTERCONNECTION AGREEMENT ADOPTED

Everest is a provider of competitive telecommunications services and currently has pending before the Commission in Case No. TA-2000-452 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), Everest refers the Commission to Case No. TA-2000-452 and incorporates by reference herein any required documentation or information which has been previously provided to the Commission in that case.

Everest 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. Everest and SWBT executed the Agreement on April 5, 2000. Said Agreement consists of thirty-nine (39) pages plus Attachments and Appendices. There are no

outstanding issues between Everest and SWBT which require mediation or arbitration.

II. REQUEST FOR APPROVAL

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

Everest 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, Everest 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 Michael B. Roddy, Chief Operating Officer of Everest, 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, Everest Connections Corporation respectfully requests that the Commission approve the Interconnection Agreement between Everest 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
EVEREST CONNECTIONS CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application of Everest Connections Corporation 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 17th day of April, 2000.

Charles Brent Stewart

VERIFICATION OF APPLICATION

I, Charles Brent Stewart, local counsel for Everest Connections Corporation 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
Charles Brent Stewart, MoBar#34885

STATE OF MISSOURI)
) SS
COUNTY OF BOONE)

I, Shawna Adams, a Notary Public do hereby certify that on this 17th day of April, 2000 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.

Shawna M. Adams
Notary Public

(SEAL)

Shawna M. Adams
Notary Public - Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires: Jan. 13, 2004

My Commission expires:

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

In the Matter of Everest Connections Corporation)
for Approval of an Interconnection Agreement)
with Southwestern Bell Telephone Company)
Pursuant to the Telecommunications Act of 1996.)

Case No. _____

AFFIDAVIT OF MICHAEL B. RODDY

STATE OF MISSOURI)
) ss
COUNTY OF ST. CHARLES)

Before me the Undersigned Authority, on the 14th day of April, 2000, personally appeared Michael B. Roddy, Chief Operating Officer of Everest Connections Corporation ("Everest") who, upon being duly sworn on oath deposed and said the following:

1. My name is Michael B. Roddy. I am over 21 years of age, of sound mind and competent to testify to the matters stated herein. I am the Chief Operating Officer for Everest, and I have personal knowledge, on behalf of Everest, concerning the Interconnection Agreement ("Agreement") between Southwestern Bell Telephone Company ("SWBT") and Everest which is the subject of the Application in the above-referenced case. Pursuant to Section 252(i) of the Telecommunications Act of 1996, Everest has executed said Agreement on April 5, 2000. 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 substantially 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 with SWBT.

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

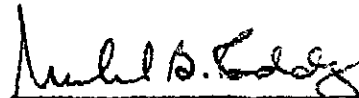
4. The implementation of the Agreement is consistent with the Telecommunications Act of 1996 and is in the public interest, convenience and necessity. Once Everest is fully certificated by the Missouri Public Service Commission and has received approval of its tariffs, the Agreement will allow the exchange of traffic between SWBT and Everest 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, Everest 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 the development of a fully competitive telecommunications marketplace for local exchange telecommunications services.

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

FURTHER AFFIANT SAYETH NOT.



Michael B. Roddy
Chief Operating Officer
Everest Connections Corporation

Subscribed and sworn to before me this 14th day of April, 2000.


Notary Public

My Commission expires:

[seal]

VIVIAN W. FARRIS
Notary Public - State of Missouri
County of Lincoln
My Commission Expires Oct. 1, 2003