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February 8, 2000

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

FILED²
FEB 9 2000
Missouri Public
Service Commission

Re: Case No. TO-2000-454

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Telephone Company's Statement Position.

Please stamp "Filed" on the extra copy and return the copy to me in the enclosed self-addressed, stamped envelope.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

A handwritten signature in cursive script that reads "Anthony K. Conroy".

Anthony K. Conroy

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

FEB 9 2000

Missouri Public
Service Commission

In the Matter of the Application of Adelphia)
Business Solutions Operations, Inc., for)
Approval of an Interconnection)
Agreement with Southwestern Bell)
Telephone Company Pursuant to the)
Telecommunications Act of 1996.)

Case No. TO-2000-454

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
STATEMENT OF POSITION**

1. On January 20, 2000, Adelphia Business Solutions Operations, Inc. (Adelphia) filed its Application for Approval of an Interconnection Agreement with Southwestern Bell Telephone Company (SWBT).
2. On January 25, 2000, the Missouri Public Service Commission (Commission) entered an Order making SWBT a party to this case.
3. In this Statement of Position, SWBT seeks to draw to the Commission's attention its concern about Section 252(i) agreements premised on the arbitrated SWBT/AT&T of the Southwest, Inc. (AT&T) interconnection agreement.
4. The interconnection agreement that was submitted in this case was entered into pursuant to Section 252(i) of the Act and is nearly identical to the SWBT/MCI metro Access Transmission Services, Inc. (MCI) and SWBT/AT&T interconnection agreements.
5. The interconnection agreement between SWBT and Adelphia was not negotiated.
6. SWBT signed the agreement only because it is required to do so under the Act and in light of the Commission's decision in TO-98-200 (MCI mediation and arbitration).

7. The underlying SWBT/AT&T interconnection agreement was a product of negotiations and arbitrations in Case Nos. TO-97-40 and TO-97-67 (the Initial AT&T Arbitration) and Case No. TO-98-115 (the Second AT&T Arbitration).

8. The Commission's Orders in the Initial and Second AT&T arbitrations are the subject of appeals.

9. Pursuant to the Commission's finding in its July 22, 1998 Report and Order in Case No. TO-98-200, a party adopting an interconnection agreement pursuant to Section 252(i) of the Act cannot obtain greater rights than the parties to that agreement.

10. Accordingly, in the event of any amendment of the underlying SWBT/AT&T or SWBT/MCI interconnections agreements, or an administrative, regulatory, legislative, or judicial order, rule, opinion or other legal action (collectively, legal actions), affecting the underlying SWBT/AT&T or SWBT/MCI interconnection agreements or any subsequent agreement between SWBT and AT&T or MCI, required by or resulting from such legal actions, which revises or modifies SWBT's rights and/or obligations pertaining to any matter contained in the AT&T or MCI interconnection agreements (a subsequent development), the relevant provisions of the SWBT/Adelphia interconnection agreement should be deemed automatically modified, amended or conformed to be consistent with such subsequent development.

WHEREFORE, SWBT respectfully requests the Commission to approve the SWBT/Adelphia interconnection agreement subject to the position stated herein.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY Anthony K. Conroy
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CERTIFICATE OF SERVICE

A copy of the foregoing was mailed to the following by U.S. Mail on February 8,
2000.

Anthony K. Conroy
Anthony K. Conroy

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