

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

In the Matter of the Agreement between	)	
SBC Communications, Inc. and Sage	)	Case No. TO-2004-0576
Telecom, Inc.	)	

**STATEMENT OF XSPEDIUS COMMUNICATIONS IN SUPPORT OF  
COMMENTS FILED BY CLEC COALITION**

COME NOW Xspedius Management Co. Switched Services, LLC, d/b/a Xspedius Communications, and Xspedius Management Co. of Kansas City, LLC, d/b/a Xspedius Communications, hereinafter referred to as "Xspedius," by and through counsel, and file this statement of position in this matter. Xspedius states as follows:

1. On May 20, 2004, the "CLEC Coalition" filed in this case its "Comments of CLEC Coalition in Support of Requiring Commission Review and Approval of Telecommunications Services Agreements between SBC Missouri and Sage Telecom."
2. The "CLEC Coalition" members that were signatories of said Comments are Nuvox Communications of Missouri, Inc., MCImetro Access Transmission Services, LLC, AT&T Communications of the Southwest, Inc. and Birch Telecom of Missouri, Inc.
3. Xspedius strongly agrees with, and hereby concurs in, the Comments filed by the "CLEC Coalition" and the legal analysis and conclusions included therein.
4. Xspedius agrees that the SBC-Sage agreements are required to be filed and approved by this Commission under both federal and state law. It is vital

that those agreements be filed and that the Missouri Public Service Commission exercise its statutory authority to evaluate those Agreements to assure that the anti-discrimination and public interest requirements of the Telecommunications Act of 1996 are met.

5. Xspedius agrees that a State Commission must have the entirety of an “agreement” before it in order to ensure that Incumbent Local Exchange Carriers (ILECs) “have not cut discriminatory side deals on particular issues in exchange for other concessions . . . .” *CLEC Coalition Comments, May 20, 2004, page 12*. Such secret “side deals” could result in serious discrimination against other Competitive Local Exchange Carriers (CLECs) and thwart efforts to ensure a vibrant and fair competitive market for telecommunications services in the State of Missouri and nationally.

6. Xspedius strongly supports issuance of an order requiring SBC Missouri and Sage to file their agreements with the Commission.

WHEREFORE, for the foregoing reasons, Xspedius Management Co. Switched Services, LLC, d/b/a Xspedius Communications, and Xspedius Management Co. of Kansas Ctiy, LLC, d/b/a Xspedius Communications, respectfully request the Commission to issue the necessary Order(s) to require: (a) that the SBC-Sage Agreements be filed in their entirety with this Commission; and (b) that the SBC-Sage Agreements be made subject to the interconnection agreement review and approval process pursuant to federal and state law.

Respectfully submitted,

**/s/ William D. Steinmeier**

William D. Steinmeier MoBar #25689

Mary Ann (Garr) Young MoBar #27951

WILLIAM D. STEINMEIER, P.C.

2031 Tower Drive

P.O. Box 104595

Jefferson City, MO 65110-4595

Phone: 573-659-8672

Fax: 573-636-2305

Email: wds@wdspc.com

Myoung0654@aol.com

COUNSEL FOR XSPEDIUS  
COMMUNICATIONS

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document has been hand delivered, mailed (postage prepaid) or transmitted electronically, this 21<sup>st</sup> day of May 2004, on the Office of Public Counsel, the Commission's General Counsel, and counsel for all parties of record in this matter as shown on the service list attached.

**/s/ William D. Steinmeier**

William D. Steinmeier

## **SERVICE LIST**

Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Legal Department  
Sage Telecom, Inc.  
805 Central Expressway, Suite 100  
Allen, TX 75013-8010

Leo Bub  
SBC Missouri  
One Bell Center, Room 3518  
St. Louis, MO 63101

Maryann Purcell  
One Bell Center, Room 3520  
St. Louis, MO 63101

C. Brent Stewart  
Stewart & Keevil, LLC  
4603 John Garry Drive  
Suite 11  
Columbia, MO 65203

Carl J. Lumley  
Leland B. Curtis  
Curtis, Heinz, Garrett & O'Keefe, PC  
130 S. Bemiston, Suite 200  
Clayton, MO 63105

Stephen F. Morris  
MCI WorlCom Communications, Inc.  
701 Brazos, Suite 600  
Austin, TX 78701

Carol Keith  
NuVox Communications  
16090 Swingley Ridge Road, Suite 500  
Chesterfield, MO 63017

Mark W. Comley  
Newman, Comley & Ruth  
Monroe Bluff Executive Center  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537

Rebecca B. DeCook  
AT&T  
1875 Lawrence Street, Ste. 1575  
Denver, CO 80202

Rose Mulvany Henry  
Birch Telecom, Inc.  
2020 Baltimore Avenue  
Kansas City, MO 64108