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September 9, 1999

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

FILED²
SEP 10 1999
Missouri Public
Service Commission

Dear Judge Roberts:

Re: Case No. TO-2000-143

Enclosed for filing with the Commission in the above-referenced case are an original and fourteen (14) copies of Southwestern Bell Telephone Company's Statement of Position.

Also enclosed is an additional copy to be file stamped and returned to us in the enclosed self-addressed, stamped envelope.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "K Swaller".

Enclosures

cc: Parties of Record

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

FILED²

SEP 10 1999

In the Matter of the Application of NEXTLINK)
MISSOURI, INC. for Approval of an Interconnection)
Agreement under the Telecommunications Act of 1996.)

Missouri Public
Service Commission
Case No. TO-2000-143

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

1. On August 12, 1999, NEXTLINK MISSOURI, INC. (NEXTLINK) filed its Application for approval of an Interconnection Agreement. On September 3, 1999, NEXTLINK filed replacement pages which, among other things, removed Southwestern Bell Telephone Company's (SWBT's) reservation of rights language not present in the original SWBT/AT&T agreement.

2. On August 16, 1999 the Commission entered an Order making SWBT a Party to the docket.


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 agreement. The agreement submitted in this case was entered into pursuant to Section 252(i) of the Act and is nearly identical to the SWBT/AT&T of the Southwest, Inc. (AT&T) Interconnection Agreement. The agreement was not negotiated. 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). The underlying SWBT/AT&T Agreement was a product of negotiations and arbitrations in Missouri Public Service Commission 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). The Commission orders in the initial and second AT&T Arbitrations are the subject of appeals. Pursuant to the Missouri Public Service Commission's finding in its July 22, 1998 Report and Order in Case No. TO-98-200 (MCI mediation and arbitration), a party adopting an agreement pursuant to Section 252(i) of the Act cannot obtain greater rights than the parties to

that agreement. Accordingly, in the event of any amendment of the underlying SWBT/AT&T arguments, or any administrative, regulatory, legislative or judicial order, rule, opinion or other legal action, (collectively, "legal actions") affecting the underlying SWBT/AT&T arguments or any subsequent agreement between SWBT and AT&T, 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 interconnection agreements (a subsequent development), the relevant provisions of the SWBT/NEXTLINK 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/NEXTLINK agreement subject to the position stated herein.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the attached Service List by first-class postage prepaid, U.S. Mail on September 9, 1999.


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