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May 26, 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

**FILED<sup>2</sup>**  
MAY 30 2000  
Missouri Public  
Service Commission

Re: Case No. TO-2000-674

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and eight copies of Southwestern Bell Telephone Company's Statement of 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 black ink, appearing to be "Leo J. Bub", written in a cursive style.

Leo J. Bub

Enclosure

cc: Attorneys of Record

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

**FILED<sup>2</sup>**

MAY 30 2000

Missouri Public  
Service Commission

In the Matter of the Adoption by ALLTEL )  
Communications, Inc., of an Interconnection )  
Agreement between BroadSpan Communications )  
Inc. d/b/a Primary Network Communications, Inc. )  
and Southwestern Bell Telephone Company )  
under the Telecommunications Act of 1996. )

Case No. TO-2000-674

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

Southwestern Bell Telephone Company respectfully submits this Statement of Position to express its concern about Section 252(i) agreements premised on the arbitrated Southwestern Bell/AT&T of the Southwest, Inc. Interconnection Agreement:

1. On April 24, 2000 ALLTEL Communications, Inc. filed its Application for approval of its adoption of the existing Interconnection Agreement between BroadSpan Communications d/b/a Primary Network Communications, Inc. and Southwestern Bell under Section 252(i) of the Telecommunications Act of 1996.
2. On May 11, 2000 the Commission entered an Order making Southwestern Bell a Party to this case.
3. The BroadSpan Interconnection Agreement which ALLTEL wishes to adopt in this case is itself an "MFN" into the Southwestern Bell/AT&T Interconnection Agreement (i.e., an adoption under Section 252(i) of the Act). The Missouri Public Service Commission approved BroadSpan's adoption of the AT&T Interconnection Agreement in Case No. TO-98-518.<sup>1</sup>
4. The agreement submitted in this case by ALLTEL was entered into pursuant to Section 252(i) of the Act and is nearly identical to the Southwestern Bell/AT&T Interconnection Agreement. The agreement was not negotiated. Southwestern Bell 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 Southwestern Bell/AT&T Interconnection

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<sup>1</sup> See, Order Approving Interconnection Agreement, Case No. TO-98-518, issued August 12, 1998.

Agreement was a product of negotiations and arbitrations in 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.

5. 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 Southwestern Bell/AT&T Interconnection Agreement, or any administrative, regulatory, legislative or judicial order, rule, opinion or other legal action (collectively, "legal actions") affecting the underlying Southwestern Bell/AT&T Interconnection Agreement or any subsequent agreement between Southwestern Bell and AT&T, required by or resulting from such legal actions, which revises or modifies Southwestern Bell's rights and/or obligations pertaining to any matter contained in the AT&T Interconnection Agreement (a subsequent development), the relevant provisions of the Southwestern Bell/ALLTEL Interconnection Agreement should be deemed automatically modified, amended or conformed to be consistent with such subsequent development.

WHEREFORE, Southwestern Bell respectfully requests the Commission to approve the Southwestern Bell/ALLTEL Interconnection Agreement subject to the position outlined in this statement.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY  
BY 

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on May 26, 2000.



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Leo J. Bub

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