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September 30, 1999

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

Re: Case No. TO-2000-92

FILED
SEP 28 1999
Missouri Public
Service Commission


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 Report On The Status Of Negotiations With PNC.

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

Very truly yours,


Leo J. Bub

FILED
OCT 1 1999 
Missouri Public
Service Commission

Enclosure

cc: Attorneys of Record

FILED
OCT 1
1999

~~SEP 22 1999~~

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Physical Collocation Completion)
Intervals under the Interconnection Agreement)
between BroadSpan Communications, Inc. d/b/a)
Primary Network Communications, Inc. and)
and Southwestern Bell Telephone Company.)

Case No. TO-2000-92

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
REPORT ON THE STATUS OF NEGOTIATIONS WITH PNC**

Southwestern Bell Telephone Company respectfully submits this Report to the Missouri Public Service Commission on the present status of the negotiations between BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc. (PNC) and Southwestern Bell regarding PNC's request for cageless physical collocation arrangements within Southwestern Bell's central offices.

As a result of the continuing negotiations between the parties, PNC and Southwestern Bell have reached agreement on an interim arrangement under which Southwestern Bell will provide the requested cageless physical collocation arrangements within mutually acceptable installation intervals while the parties conclude negotiations on a complete amendment to the Collocation Appendix to their Interconnection Agreement to cover this new form of physical collocation.

As reported in Southwestern Bell's September 2, 1999 Motion to Dismiss, or in the Alternative, Hold in Abeyance in Response, Southwestern Bell and PNC have been able to reach mutually acceptable installation intervals for all of the cageless physical collocation arrangements sought by PNC. All that remained to be negotiated was an amendment to the Collocation Appendix of the parties' existing Interconnection Agreement to provide for this new form of collocation which was not covered in the existing agreement. At that time, PNC was

still reviewing the revised draft contract amendment that Southwestern Bell submitted to PNC on August 24, 1999. Since then, PNC submitted a counter proposal and the parties continued to negotiate acceptable terms for cageless physical collocation.

The parties most recently held a negotiation session on Tuesday, September 28, 1999. There, the parties concluded an interim arrangement under which PNC will receive delivery of the cageless physical collocation arrangements sought within mutually acceptable timeframes while complete terms and conditions for cageless physical collocation are resolved. Once reduced to writing, this interim arrangement will relieve any need for Commission involvement in this case. Therefore, the Commission can suspend activity on this case until further notice by the parties. The terms of the parties' interim arrangement are:

1. PNC will dismiss its Application for Determination of Dispute Regarding Physical Collocation Completion Intervals, as amended;
2. PNC agrees that the Collocation Appendix to its existing Interconnection Agreement with Southwestern Bell needs to be amended to provide for cageless physical collocation;
3. The parties have reached an interim agreement for the provision of cageless physical collocation that will remain in effect until the parties completely amend the Collocation Appendix of their existing Interconnection Agreement (this agreement is currently being reduced to writing and will be submitted to the Commission as an agreed upon amendment to the Interconnection Agreement);
4. The parties agree to negotiate a complete amendment to the Collocation Appendix of their existing Interconnection Agreement to establish the terms and conditions of cageless collocation and to submit any unresolved issues to the Commission for arbitration under the Telecommunication Act of 1996, if necessary. The parties further agree that the last day on which an arbitration may be filed (day 160 under Section 252 of the Act) is November 30, 1999. Further, the parties agree that this date is also the last day on which an arbitration may be filed regarding the DSL amendment currently being negotiated by the parties.
5. Southwestern Bell will deliver the cageless physical collocation arrangements requested by PNC within the mutually agreed timeframes

pursuant to the interim cageless physical collocation agreement reached by the parties; and

6. The parties agree that the terms and conditions of the interim physical collocation agreement are to be replaced by the completely amended terms and conditions of the revised Collocation Appendix reached by negotiations between the parties or, if necessary, by arbitration.

WHEREFORE, Southwestern Bell, based on the resolution reached by the parties of the issues in dispute, believes the Commission can suspend further activity on this case until being notified by the parties that their interim agreement has been reduced to writing, at which point the Commission will be able to dismiss PNC's Application for Determination of Dispute.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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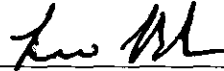
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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on September 30, 1999.



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