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January 18, 2000

FILED 3

JAN 19 2000

Missouri Public
Service Commission

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-2000-406

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and 14 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 cursive script, appearing to read "Mimi B. MacDonald".

Mimi B. MacDonald

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

JAN 19 2000

In the Matter of the Application of Missouri)
Telecom, Inc., for Approval of an)
Interconnection Agreement Under the)
Telecommunications Act of 1996.)

Case No. TO-2000-406

Missouri Public
Service Commission

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

1. On January 5, 2000, Missouri Telecom, Inc. filed its Application for Approval of an Interconnection Agreement.
2. On January 13, 2000, the Missouri Public Service Commission ("the Commission") entered an Order making Southwestern Bell Telephone Company ("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 of the Southwest, Inc. ("AT&T") agreement.
4. The 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/AT&T Interconnection Agreement.
5. The agreement was not negotiated.
6. SWBT signed the agreement only because it is required to do so under the Act and in light of the Commissions' decision in TO-98-200 (MCI mediation and arbitration).
7. The underlying SWBT/AT&T 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).
8. The Commission Orders in the Initial and Second AT&T Arbitrations are the subject of appeals.

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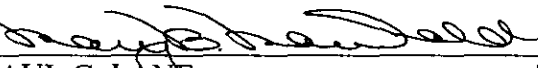
9. Pursuant to the Commission's finding in its July 22, 1998 Report and Order in Case No. TO-98-200 (MCI mediation and arbitration), a party adopting an agreement pursuant to Section 252(i) of the Act cannot obtain greater rights than the parties to that agreement.

10. Accordingly, in the event of any amendment of the underlying SWBT/AT&T arguments, or an 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/Missouri Telecom, Inc. 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/Missouri Telecom, Inc. agreement subject to the position stated herein.


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 January 18, 2000.


Mimi B. MacDonald

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