

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 23rd day
of January, 2007.

Request for Approval of Amendment No. 1 to the)
Interconnection Agreement Between Southwestern)
Bell Telephone Company and XO Communications)
Services, Inc.)

Case No. TK-2007-0163

ORDER DISMISSING CASE

Issue Date: January 23, 2007

Effective Date: February 2, 2007

On October 20, 2006, XO Communications Services, Inc. filed a letter notifying the Missouri Public Service Commission of an amendment to an interconnection agreement between XO and Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri. It appears that XO's Director of Regulatory Contracts filed this letter in an attempt to comply with Commission rule 4 CSR 240-3.513(6)(A), which concerns applications for adoptions of amendments previously approved by the Commission. This rule requires inclusion of the case or tracking number where the amendment was previously approved. Because this information is not included, the letter does not appear to propose an "adoption" of an already-approved amendment. Rather, it appears that XO and AT&T have agreed on an amendment that has not been previously approved by this Commission.

This being so, application for the proposed amendment should have been filed under 4 CSR 240-3.513(6)(C). Applications made under this subsection of the rule must be made in compliance with Commission rules 4 CSR 240-2.040, .060 and .080. These

regulations impose numerous requirements on any application filed with the Commission. XO's letter does not comply with many of these requirements. In particular, 4 CSR 240-2.080(1) requires that every pleading filed with the Commission be signed by an attorney authorized to practice law in Missouri. XO's letter is not signed by an attorney. In light of these deficiencies, the Commission issued an order rejecting the filing, notified XO of the deficiencies and invited the company to refile its application in this case. The company has not responded to the Commission's order.

Commission rule 4 CSR 240-2.116(2) states that cases may be dismissed for lack of prosecution if no action has occurred in the case for 90 days. There has been no action in this matter since the Commission's last order was issued on October 20, 2006. Ninety days from that date was January 18, 2007. Pursuant to Commission rule, the Commission will dismiss this matter.

IT IS ORDERED THAT:

1. This matter shall be dismissed for lack of prosecution.
2. This order shall become effective on February 2, 2007.
3. This case may be closed on February 3, 2007.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Jones, Senior Regulatory Law Judge