

# NEWMAN, COMLEY & RUTH

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May 20, 2004

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED**

**MAY 20 2004**

**Missouri Public  
Service Commission**

Re: Case No. TO-2004-0576

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of AT&T Communications of the Southwest, Inc.'s Application to Intervene.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED  
MAY 20 2004

In the Matter of the Agreement between )  
SBC Communications, Inc. and Sage )  
Telecom, Inc., )

Case No. TO-2004-0576

Missouri Public  
Service Commission

**AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.'s**  
**APPLICATION TO INTERVENE**

COMES NOW AT&T Communications of the Southwest, Inc. (AT&T) pursuant to 4 CSR 240-2.075, and for its Application to Intervene states the following to the Commission:

1. AT&T is a competitive local and interexchange telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Delaware, authorized to do business in the State of Missouri as a foreign corporation. AT&T's principal Missouri offices are located at 101 W. McCarty, Ste. 216, Jefferson City, MO 65101. AT&T has been granted authority to provide local exchange service and basic local exchange service in portions of Missouri, as well as intrastate, interexchange telecommunications services throughout Missouri under authority granted and tariffs approved by the Commission. AT&T is also an authorized provider of interstate interexchange telecommunications services under the oversight and jurisdiction of the Federal Communications Commission.

2. All communications and pleadings in this case should be directed to:

Mark W. Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102  
573/634-2266  
573/636-3306 (FAX)  
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Ms. Rebecca B. DeCook  
1875 Lawrence St., Rm. 1575  
Denver, CO 80202  
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*decook@att.com*

3. This matter commenced on or about May 6, 2004, when the Commission issued a Notice of New Case in order to consider and investigate an agreement between SBC Communications, Inc. and Sage Telecom, Inc. .

4. AT&T seeks to intervene in this proceeding because the Commission's decision could adversely affect AT&T's interests as a provider of local telecommunications services, in particular with respect to AT&T's rights under Section 252, subsections (e) and (i) of the Telecommunications Act of 1996. The Commission should only approve agreements that comply with subsection (e) and should make sure that agreements are available under subsection (i).

5. AT&T's interests as a telecommunications company are different from those of the general public. Furthermore, AT&T's intervention in this proceeding is in the public interest because of AT&T's interest in enhancing competition and because of its expertise in the telecommunications industry.

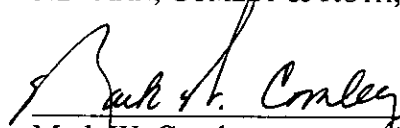
6. Regarding its position, AT&T supports issuance of an order requiring SBC Missouri and Sage to file their agreements with the Commission. AT&T intends to explain its position in detail in subsequently filed comments.

WHEREFORE, for the foregoing reasons, AT&T Communications of the Southwest, Inc., respectfully requests the Commission to grant its Application to Intervene in this matter.

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NEWMAN, COMLEY & RUTH, P.C.

By:

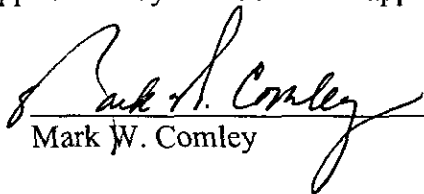
  
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Attorneys for AT&T of the Southwest, Inc.

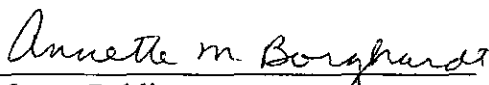
**ATTORNEY VERIFICATION**

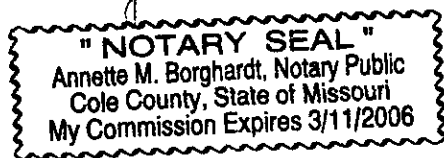
STATE OF MISSOURI     )  
                                      ) ss.  
COUNTY OF COLE        )

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for the AT&T of the Southwest, Inc., applicant for intervention in this proceeding; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

  
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 20<sup>th</sup> day of May, 2004.

  
Notary Public



**Certificate of Service**

A true and correct copy of the foregoing was served upon the following parties on this 20th day of May, 2004, by placing same in the U.S. Mail, postage paid.

Office of Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102

Office of General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

