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February 18, 2000

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Mr. Dale Roberts
Executive Secretary
Missouri Public Service Commission
301 West High Street, Suite 530
Jefferson City, Missouri 65101

FILED

FEB 22 2000

Missouri Public
Service Commission

Re: *In the Matter of the Petition of DIECA Communications, Inc. d/b/a Covad
Communications Company for Arbitration of Interconnection Rates, Terms,
Conditions and Related Arrangements With Southwestern Bell Telephone
Company
Case No. TO-2000-322*

Dear Mr. Roberts:

Enclosed for filing with the Commission on behalf of DIECA Communications, Inc.
d/b/a Covad Communications Company:

1. Eight copies of the "Highly Confidential" (Exhibit 6-HC) Surrebuttal Testimony of John C. Donovan;
2. Eight copies of the "Proprietary (Exhibit 6-P)" Surrebuttal Testimony of John C. Donovan;
3. Eight copies of the "Highly Confidential" (Exhibit 3-HC) Surrebuttal Testimony of Terry L. Murray; and
4. Eight copies of the "Proprietary" (Exhibit 3-P) Surrebuttal Testimony of Terry L. Murray.
5. The original and 14 copies of the public version of the Surrebuttal Testimony of John C. Donovan (Exhibit 6); and
6. The original and 14 copies of the public version of the Surrebuttal Testimony of Terry L. Murray (Exhibit 3); and

FILED → *Covad's Motion in Support of MDED
Request to Participate*

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SONNENSCHN NATH & ROSENTHAL

These filings are being made in accordance with instructions received at the hearing of this matter conducted earlier this week. To reflect the filing of these documents, please return one copy of this letter in the self-addressed envelope which is enclosed.

In connection with the filing you would have received today of the Proprietary and non-Proprietary Direct Testimony of John C. Donovan, please be advised that the Proprietary version of Mr. Donovan's testimony is Exhibit 4-P, and the non-Proprietary version of Mr. Donovan's testimony is Exhibit 4.

Please do not hesitate to contact me if you should have any questions. Thank you for bringing this matter to the attention of the Commission.

Very truly yours,



Lisa C. Creighton

LCC/cmw
Enclosures

cc: Paul Lane, Esq.
Michael Dandino, Esq.
William Haas, Esq.

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED

FEB 22 2000

Missouri Public
Service Commission

IN THE MATTER OF THE PETITION OF)
DIECA COMMUNICATIONS, INC.)
D/B/A COVAD COMMUNICATIONS COMPANY)
FOR ARBITRATION OF INTERCONNECTION)
RATES, TERMS, CONDITIONS AND RELATED)
ARRANGEMENTS WITH SOUTHWESTERN)
BELL TELEPHONE COMPANY)

Case No. TO-2000-322

DIECA COMMUNICATIONS, INC.
D/B/A COVAD COMMUNICATIONS COMPANY'S
MOTION IN SUPPORT OF THE MISSOURI DEPARTMENT OF ECONOMIC
DEVELOPMENT'S REQUEST TO PARTICIPATE WITHOUT INTERVENTION

DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), by its undersigned counsel, files this motion in support of the Missouri Department of Economic Development's ("Department's") Motion to Participate Without Intervention. In support of the Department's Motion, Covad states as follows:

On November 9, 1999, Covad initiated this arbitration against Southwestern Bell Telephone Company ("SWBT"). The majority of the issues in this arbitration relate to the costs SWBT may recover to provide loops to xDSL services. On November 22, 1999, the Commission accepted jurisdiction and made Staff a party. Five days before the hearing, the Department filed its motion, requesting intervention without participation.

The Department states in its motion that it does not seek to present evidence, but rather an opportunity to file a post-hearing brief based on the testimony and other exhibits admitted into evidence at the hearing.

The Code of State Regulations authorize intervention without participation to anyone who makes full disclosure of their interest, states their positions, makes contentions that are

reasonable and makes a written request for participation. 4 CSR 240-2.075 (5). The Department has complied with all of these requirements. The Department has stated that its interest in this arbitration is to ensure that an essential to the economic development of this state -- unfettered access to the Internet for businesses and citizens -- is achieved. To achieve this, the Department's position is that fair competition among providers of high-speed data communications must be allowed to develop in Missouri. Each and every contention made by the Department in support of this position is reasonable and the Department made a written request for intervention. Further, permission to file post hearing briefs is typically granted to intervenors without participation. *See In the Matter of the Joint Application of Kansas City Power & Light Company (KCPL), UtiliCorp United, Inc. (UtiliCorp) and KC United Corp. (KCU) for an Order Authorizing KCPL and UtiliCorp to Merge with and Into KCU*, Case No. EM-96-248, July 30, 1996.

Finally, granting the Department's motion will not delay these proceedings. As was evidenced at the hearing, the Department made no attempt to participate or otherwise impede the hearing. Likewise, there is no reason to believe that allowing the Department to express its position in a brief will impede the Commission's timely resolution of the disputed issues. And receiving the benefit of the Department's anticipated arguments concerning the importance of DSL and other high-speed broadband technologies to our state's economy will aid the Commission in the discharge of its duty to protect the public interest.

Therefore, the Department's motion should be granted, allowing intervention and the filing of a post-hearing brief.

WHEREFORE, DIECA Communications, Inc. d/b/a Covad Communications Company, respectfully requests the Commission to grant the Department's Motion to Intervene.

Respectfully submitted,



Mark P. Johnson MO #30740

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ATTORNEYS FOR DIECA COMMUNICATIONS, INC.
D/B/A COVAD COMMUNICATIONS COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was transmitted via facsimile and mailed, postage prepaid, this 19th day of February, 2000, to:

Paul Lane, Esq.
Southwestern Bell Telephone
One Bell Central, Room 3516
St. Louis, Missouri 63101

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