

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application for Approval            )  
of an Amendment to the Interconnection                )  
Agreement Between DIECA Communications, Inc.        )       Case No.  
d/b/a Covad Communications Company and                )  
Southwestern Bell Telephone, L.P.                        )  
d/b/a AT&T Missouri.   )

**APPLICATION FOR APPROVAL OF**  
**AMENDMENT TO INTERCONNECTION AGREEMENT**

COMES NOW DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad") and for its Application for Approval of Amendment to Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996 ("the Federal Act"), 4 CSR 240-3.513(6)(c), 4 CSR 240-2.040, 4 CSR 240-2.060 and 4 CSR 240-2.080, states to the Commission as follows:

1.       DIECA Communications, Inc. is a Virginia corporation in good standing duly authorized to conduct business in Missouri with regulatory offices at 110 Rio Robles, San Jose, California 95134, doing business under the name Covad Communications Company. Covad is authorized as a competitive local exchange carrier under a certificate granted by the Commission. A certificate of good standing issued by the Missouri Secretary of State is attached hereto.

2.       Covad can be reached at:

Katherine K. Mudge  
Senior Counsel  
Covad Communications Company  
7000 North Mopac Expressway, 2nd Floor  
Austin, Texas 78731  
(512) 514-6380  
(512) 514-6520 (FAX)  
katherine.mudge@covad.com

3. All inquires, correspondence, communications, pleadings, notices, orders, and decisions, relating to this Application should be directed to Covad through its local counsel:

Carl J. Lumley  
Leland B. Curtis  
Curtis, Heinz, Garrett & O'Keefe, P.C.  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (FAX)  
clumley@lawfirmemail.com  
lcurtis@lawfirmemail.com

4. Southwestern Bell Telephone, L.P., is a Texas limited partnership, with its principal Missouri office at One AT&T Center, Room 3520, St. Louis, Missouri 63101. Southwestern Bell Telephone, L.P. is authorized to do business in Missouri under the name "AT&T Missouri". AT&T Missouri is a local exchange telecommunications company and a public utility, and is duly authorized to provide telecommunications services within the State of Missouri as each of those phrases are defined in Section 386.020, R.S.Mo. 2000.

6. Covad and AT&T Missouri are currently interconnecting and exchanging traffic pursuant to the terms of the interconnection agreement (the "Agreement") originally made between Southwestern Bell Telephone, L.P. d/b/a SBC Missouri and DIECA Communications, Inc. d/b/a Covad Communications Company and approved by the Commission in Case No. TO-2001-4.

7. Covad presents to this Commission for approval the Amendment to the Agreement attached hereto as Exhibit 1, concerning Coordinated Hot Cuts and related Time and Materials Pricing which is being incorporated into the Interconnection Agreement between Covad and AT&T Missouri. Said Amendment has been negotiated and executed pursuant to the terms of the Federal Act. All issues have been successfully negotiated and agreed upon. No arbitration of any issue is

required. Both parties have signed the Amendment. The Amendment and the underlying Interconnection Agreement, as previously amended and approved, constitute the full agreement of the parties and there are no side agreements related thereto.

8. Except as modified by this Amendment, all other terms and conditions of the Agreement, as previously amended and approved, between the parties shall remain unchanged and in full force and effect.

9. Covad seeks the Commission's approval of the Amendment to the Agreement consistent with the provisions of the Federal Act and Missouri law. Covad believes that the implementation of the Amendment complies fully with Section 252(e) of the Federal Act because the Amendment is non-discriminatory and consistent with the public interest, convenience and necessity.

10. Covad respectfully requests that the Commission grant approval of the Amendment without change, suspension, or other delay in implementation.

11. Covad respectfully states that it does not have any pending actions or unsatisfied final judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application

12. Covad states that it does not have any overdue annual reports or assessment fees.

WHEREFORE, Covad respectfully requests that the Commission approve the Amendment to the Interconnection Agreement and grant additional relief as the Commission deems proper and reasonable.

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Carl J. Lumley, #32869  
Leland B. Curtis, #20550  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (FAX)  
clumley@lawfirmemail.com  
lcurtis@lawfirmemail.com

Attorney for DIECA Communications, Inc.  
d/b/a Covad Communications Company

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 4th day of January, 2007 by email or by placing same in the U.S. Mail, postage prepaid.

Office of the Public Counsel  
PO Box 2230  
Jefferson City, Missouri 65102  
opcservice@ded.mo.gov

Office of General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, Missouri 65102  
gencounsel@psc.mo.gov

Leo Bub  
AT&T Missouri  
One SBC Center, Room 3518  
St. Louis, Missouri 63101  
leo.bub@att.com

/s/ Carl J. Lumley

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Carl J. Lumley

COUNTY OF TRAVIS       )  
                                      )  
STATE OF TEXAS       )       SS

**VERIFICATION**

I, Katherine K. Mudge, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and Senior Counsel of DIECA Communications, Inc. d/b/a Covad Communications Company. I am authorized to act on behalf of DIECA Communications, Inc. d/b/a Covad Communications Company, regarding the foregoing document. I have read the foregoing document and I am informed and believe that the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, Clayton, Missouri 63105, are authorized to sign all pleadings and documents necessary to obtain the decision of the Missouri Public Service Commission on the foregoing document, and to represent DIECA Communications, Inc. d/b/a Covad Communications Company in this proceeding.

On this 4<sup>th</sup> day of January, 2007, before me, a Notary Public, personally appeared Katherine K. Mudge, and being first duly sworn upon her oath stated that she is over twenty-one years, sound of mind and Senior Counsel of DIECA Communications, Inc. d/b/a Covad Communications Company, she signed the foregoing document as Senior Counsel of DIECA Communications, Inc. d/b/a Covad Communications Company and the facts contained therein are true and correct according to the best of her information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.

Lael Atkinson  
Notary Public

My Commission Expires: June 28, 2009

