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July 2, 1999

FILED

JUL 2 1999

Missouri Public
Service Commission

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

Re: Birch Telecom of Missouri Inc.

Dear Judge Roberts:

70-2000-6

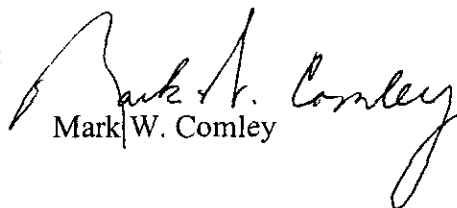
Enclosed for filing please find the original and fourteen copies of an Application for Approval of Interconnection Agreement Under the Telecommunications Act of 1996. I also enclose the original and five copies of the Interconnection Agreement, which is marked as Attachment 2 to the Application.

Please contact me if there are any questions. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley

MWC:ab

Enclosure

cc: Gregory C. Lawhon
Office of Public Counsel
Southwestern Bell Telephone Company

FILED

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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

Missouri Public
Service Commission

Application of BIRCH TELECOM OF MISSOURI, INC.)
for Approval of Interconnection Agreement Under)
the Telecommunications Act of 1996.)

Case No. TO-2000-6

APPLICATION FOR
APPROVAL OF INTERCONNECTION AGREEMENT
UNDER THE TELECOMMUNICATIONS ACT OF 1996

Comes now BIRCH TELECOM OF MISSOURI, INC (hereinafter "BIRCH", or "Applicant") and hereby files this Application for Approval of a new Interconnection Agreement (the Agreement) between Southwestern Bell Telephone Company (SWBT) and BIRCH under the Telecommunications Act of 1996 (the Federal Act) and would respectfully show the Missouri Public Service Commission (the Commission) the following:

I. THE APPLICANT

BIRCH is a regulated competitive local telecommunications company under the jurisdiction of this Commission with operations in certificated territories in this State. It is a Delaware Corporation, duly registered and in good standing with the Missouri Secretary of State. Attached as Attachment 1 is a Certificate of Good Standing-Foreign Corporation issued by the Missouri Secretary of State respecting BIRCH. BIRCH and SWBT entered an earlier interconnection agreement, a portion of which was arbitrated in Case No TO-98-278, in which case its corporate capacity, its relationship to this Commission and its operations were part of the record. BIRCH directs the Commission to this earlier case for further information, if needed, about the company.

II. INTERCONNECTION/RESALE AGREEMENT REACHED

BIRCH presents to this Commission for approval an Interconnection Agreement negotiated and executed pursuant to the terms of the Federal Act (Agreement, Attachment 2). This Agreement was entered into pursuant to Section 252(a)(1) of the Federal Act, and SWBT and BIRCH executed

the Agreement effective June 16, 1999. The Agreement contains 33 pages, and 24 Attachments which may have exhibits and appendices. There are no outstanding issues between SWBT and BIRCH that need the assistance of mediation or arbitration.

III. DESIGNATED CONTACTS

The designated contacts for purposes of this Application are:

Mark W. Comley
NEWMAN, COMLEY & RUTH
601 Monroe Street Suite 301
Jefferson City, MO 65101
Telephone: 573 634-2266
Fax: 573 636-3306
e-mail – comleym@ncrpc.com

and

Mr. Gregory C. Lawhon
BIRCH TELECOM OF MISSOURI, INC.
2020 Baltimore Avenue
Kansas City, Missouri 64108-1914
Telephone: 816 300-3000
Fax: 816 300-3291

IV. REQUEST FOR APPROVAL

BIRCH seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. The implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, and increases customer choices for telecommunications services.

BIRCH respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between competitors, and intervention by other parties is neither necessary nor appropriate.

agreement, reached as a result of negotiations and compromise between competitors, and intervention by other parties is neither necessary nor appropriate.

V. STANDARD OF REVIEW

The statutory standards of review are set forth in Section 252(e) of the Federal Act which provides as follows:

(e) APPROVAL BY STATE COMMISSION

- (1) APPROVAL REQUIRED.**--Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A state commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION.**--The State Commission may only reject --
 - (A)** an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that --
 - (i)** the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii)** the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

VI. MISSOURI LEGISLATION

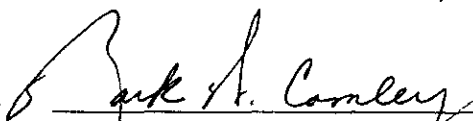
The negotiated and executed Agreement is consistent with Chapter 392, RSMo 1994 as amended by S.B. 507 of the Missouri Laws of 1996 and effective August 28, 1996.

VII. CONCLUSION

For the reasons set forth above, BIRCH respectfully prays that the Commission approve the Agreement expeditiously.

Respectfully submitted,

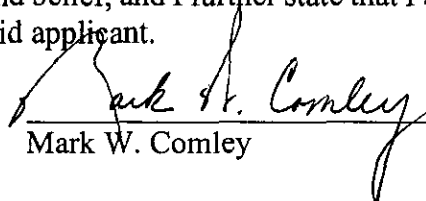
BIRCH TELECOM OF MISSOURI, INC.

By: 
Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Attorneys for BIRCH TELECOM OF
MISSOURI, INC
573/634-2266 (Telephone)
573/636-3306 (FAX)

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 BIRCH TELECOM OF MISSOURI, INC, Applicant in the above captioned proceeding; that I have read the above and foregoing Application 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 2nd day of July, 1999.

My Commission expires:

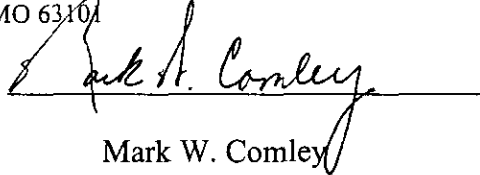
Notary Public

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivered, on this 2nd day of July, 1999, to:

Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Anthony K. Conroy
Attorney at Law
One Bell Center, Room 3520
St. Louis, MO 63101


Mark W. Comley

ATTACHMENT 1

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION

CERTIFICATE OF CORPORATE GOOD STANDING - FOREIGN CORPORATION

I, REBECCA MCDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE AND IN MY CARE AND CUSTODY REVEAL THAT

BIRCH TELECOM OF MISSOURI, INC.

USING IN MISSOURI THE NAME

BIRCH TELECOM OF MISSOURI, INC.

A DELAWARE CORPORATION FILED ITS EVIDENCE OF INCORPORATION WITH THIS STATE ON THE 28TH DAY OF FEBRUARY, 1997, AND IS IN GOOD STANDING, HAVING FULLY COMPLIED WITH ALL REQUIREMENTS OF THIS OFFICE.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 1ST DAY OF JULY, 1999.


Secretary of State

