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April 11, 2000

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

FILED<sup>2</sup>  
APR 11 2000  
Missouri Public  
Service Commission

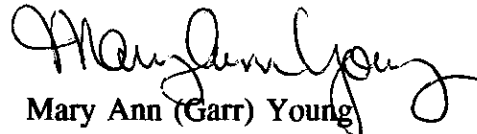
RE: Case No. 70-2000-636  
Business Telecom, Inc. dba BTI Interconnection Agreement with Southwestern Bell

Dear Mr. Roberts:

Enclosed please find an original and fourteen copies of the **Application of Business Telecom, Inc. dba BTI for Approval of Interconnection Agreement Under the Telecommunications Act of 1996** for filing with the Commission. Five copies of the Interconnection Agreement between BTI and Southwestern Bell Telephone Company (SWBT) are also enclosed, per the Notice of Waiver of Interconnection Agreement Filing Requirements issued January 4, 1999. A diskette copy is not available, to my knowledge. Please note that **the Interconnection Agreement has been page-numbered seriatim in advance.**

Thank you for your assistance in processing this filing. Copies are being served on the Office of Public Counsel, General Counsel and Southwestern Bell. If there are any questions, please call me at 634-8109.

Sincerely yours,

  
Mary Ann (Garr) Young

Enclosures

cc: Office of Public Counsel  
Southwestern Bell Telephone Company  
General Counsel's Office  
Felix Otchere, Swidler Berlin

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED<sup>2</sup>**  
APR 11 2000 *nh*  
Missouri Public  
Service Commission

IN THE MATTER OF BUSINESS TELECOM, )  
INC. DBA BTI'S APPLICATION FOR APPROVAL OF )  
INTERCONNECTION AGREEMENT UNDER THE )  
TELECOMMUNICATIONS ACT OF 1996 WITH )  
SOUTHWESTERN BELL TELEPHONE COMPANY )

CASE NO. TO-2000-636

**APPLICATION OF BUSINESS TELECOM, INC. DBA BTI  
FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER THE  
TELECOMMUNICATIONS ACT OF 1996**

Business Telecom, Inc. dba BTI ("BTI")<sup>1</sup> by undersigned counsel, hereby files this Application for Approval of an Interconnection Agreement (the "Agreement") under the Telecommunications Act of 1996 ("FTA 96") between BTI and Southwestern Bell Telephone Company ("SWBT") and states as follows:

**I. THE PARTIES**

SWBT is an incumbent local exchange carrier authorized to provide local exchange telephone service in Missouri; it maintains its principal offices in Missouri at 1 Bell Center, Suite 4210, St. Louis, MO 63101.

BTI is a competitive telecommunications carrier whose authority to transact business in Missouri from the Secretary of State's Office was filed with the Commission in BTI's interexchange certificate case, Case No. TA-93-102; that documentation is incorporated herein by reference. BTI maintains its principal place of business at Suite 500, 4300 Six Forks Road, Raleigh, North Carolina 27609-5781.

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<sup>1</sup>BTI's application for certification to provide basic local service was approved in case No. TA-98-552, on October 8, 1998.

*k*

## **II. INTERCONNECTION AGREEMENT REACHED**

BTI presents to this Commission for approval a negotiated Agreement executed pursuant to the terms of the Telecommunications Act of 1996 (Agreement, Attachment I). After good faith negotiations, the parties executed the Agreement on March 1, 2000, together with various attachments incorporated therein. The Agreement is substantially the same as the thirteen-state interconnection agreement proposed by SWBT. Several of the Appendices attached to the Agreement do not relate to Missouri; these non-Missouri Appendices have been withdrawn from the original document after consultation with the Adjudication and Communications Departments of the Commission. Where Appendices have been removed, a page explaining the withdrawal of that portion of the original document has been inserted. These explanatory pages are found at page 584A and 1065A. Other than the withdrawn and inserted pages, the document is numbered seriatim at the bottom center of each page.

The Agreement permits BTI to purchase SWBT's unbundled network elements and retail services at a wholesale rate for resale. The Agreement also governs interconnection of the Parties' networks and exchange of traffic and permits BTI to collocate its equipment in SWBT Eligible Structures for the purpose of interconnecting with SWBT or accessing SWBT's UNEs. The Agreement permits BTI to purchase other ancillary services from SWBT. All matters between BTI and SWBT have been successfully negotiated and there are no outstanding issues between the parties which require mediation or arbitration.

## **III. REQUEST FOR APPROVAL**

BTI seeks the Commission's approval of the Agreement, consistent with the provisions of the FTA 96 and applicable Missouri law. BTI believes that the implementation of this Agreement

complies fully with Section 252(e) of the FTA 96 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, provides interconnectivity, and increases customer choices for telecommunications services. BTI respectfully requests that the Commission grant expeditious approval of this Agreement without change, suspension or other delay in its implementation. This is a negotiated agreement, and BTI does not believe a docket or intervention by other parties is necessary or appropriate.

#### **IV. STANDARD FOR REVIEW**

The statutory standards of review are set forth in Section 252(e) of the Telecommunications Act of 1996 which provides as follows:

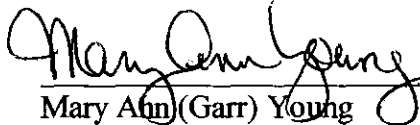
- (1) **APPROVAL REQUIRED.**--Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND 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;...

The affidavit of Anthony M. Copeland, Executive Vice-President/General Counsel for BTI (Affidavit, Attachment II) establishes that the Agreement submitted herein satisfies these standards.

**V. CONCLUSION**

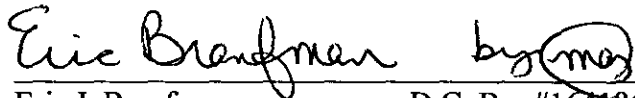
WHEREFORE, BTI respectfully requests that the Commission approve the Interconnection Agreement between Business Telecom, Inc. dba BTI and SWBT.

Respectfully submitted,



Mary Ann (Garr) Young Mo. Bar # 27951  
William D. Steinmeier, P.C.  
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and

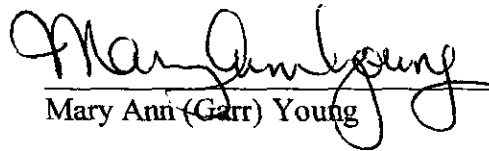


Eric J. Brantman D.C. Bar #164186  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Telephone: (202) 424-7500  
Facsimile: (202) 424-4367

Counsel for Business Telecom, Inc. dba BTI

**CERTIFICATE OF SERVICE**

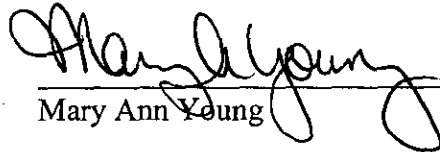
I hereby certify that a copy of this document has been hand delivered or mailed by first class mail, postage prepaid, to the Public Counsel, General Counsel, and counsel for Southwestern Bell Telephone Company.



Mary Ann (Garr) Young

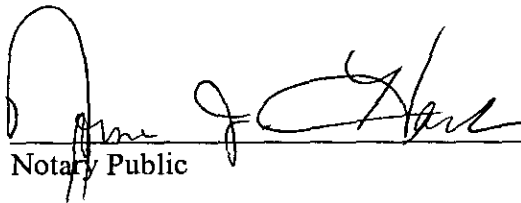
VERIFICATION OF APPLICATION

I, Mary Ann Young, local counsel for Business Telecom, Inc. and pursuant to 4 CSR 240-2.060(F), hereby swear and affirm that I have been authorized to file the foregoing Application on behalf of Applicant and that the statements contained therein are true to the best of my knowledge, information and belief.

  
Mary Ann Young

STATE OF MISSOURI                   )  
  )SS  
COUNTY OF Cole                   )

I, Norma J. Hart, a Notary Public, do hereby certify that on this 11<sup>th</sup> day of April, 2000, personally appeared before me Mary Ann Young who declared that all the statements contained herein and above are true to the best of her knowledge, information and belief.

  
Notary Public

(SEAL)

My Commission Expires: Aug 9, 2000

NORMA J. HART  
Notary Public Notary Seal  
STATE OF MISSOURI  
County of Cole  
My Commission Expires Aug. 9, 2000