

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

In the Matter of an Amendment)	
Superseding Certain 251/252 Matters)	Case No. TO-2004-0584
between Southwestern Bell Telephone,)	
L.P., and Sage Telecom, Inc.)	

**RESPONSE OF SBC MISSOURI TO STAFF'S
APPLICATION TO OPEN CASE TO REVIEW AMENDMENT
TO MISSOURI 271 INTERCONNECTION AGREEMENT**

COMES NOW Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") and for its Response to Staff's Application to Open Case to Review Amendment to Missouri 271 Interconnection Agreement ("Staff Application") states as follows:

1. On May 4, 2004, SBC Missouri submitted to the Missouri Public Service Commission ("Commission") an agreement between it and Sage Telecom, Inc. ("Sage Telecom") titled "Amendment Superseding Certain 251/252 Matters to Interconnection Agreement Under Sections 251 and 252 of the Telecommunications Act of 1996" ("SBC Missouri-Sage Telecom Amendment").
2. On May 11, 2004 in Case No. TO-2004-0576, the Commission issued an Order to Show Cause directing SBC Missouri and Sage Telecom to explain why a commercial agreement between those two companies was not subject to filing with and approval by the Commission under Sections 251-252 of the Telecommunications Act of 1996 ("the Act"). SBC Missouri and Sage Telecom filed their respective Responses to that Order to Show Cause on May 17, 2004. In their respective pleadings, SBC Missouri and Sage Telecom explained that they had submitted the Amendment pertaining to Section 251-252 matters to the Commission for its approval on May 4, 2004.


3. On May 14, 2004 Staff filed its Application to Open Case to Review Amendment to Missouri 271 Interconnection Agreement. The Staff Application noted that amendments to interconnection agreements, including amendments to the Missouri 271 Interconnection Agreement which is in effect between Sage Telecom and SBC Missouri, are generally processed outside a docketed case. Staff Application, para. 9. The only rationale which Staff advances to support the opening of a docketed case is “the relationship between the Amendment and the ‘commercial agreement.’” Id.

4. The Staff Application does not provide a rationale that would support the opening of a docketed case. Staff wholly fails to explain why the “relationship” between the Amendment and the commercial agreement requires or justifies treating the Amendment in a different fashion than all other amendments to interconnection agreements presented to the Commission for approval. The Commission has asked Sage Telecom and SBC Missouri to explain why their commercial agreement should not be filed with and considered by the Commission pursuant to Sections 251-252 of the Act. SBC Missouri and Sage Telecom have done so, and the Commission is fully capable of resolving that issue while processing the Amendment pursuant to the normal processes. The statutory time requirements set forth in Section 251(e) apply to proposed amendments to Interconnection Agreements and the Commission must act within that time regardless of whether the docketed case is opened or not. Presumably, the Commission can reach its determination in Case No. TO-2004-0576 in sufficient time for the Commission to consider the Amendment within the statutory timeline. The existence of the Order to Show Cause in Case No. TO-2004-0576 does not, however, provide any rationale for opening a docketed case to consider the Amendment.

WHEREFORE, for all the foregoing reasons, SBC Missouri respectfully requests the Commission to deny Staff's Application to Open Case to Review Amendment to Missouri 271 Interconnection Agreement.

Respectfully submitted,

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D/B/A SBC MISSOURI

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this document was served on all counsel of record by electronic mail on May 21, 2004.



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