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June 29, 2000

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

Re: Case No. TT-2000-513

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in the above-referenced case is an original and eight copies of Southwestern Bell Telephone Company's Response in Opposition to Birch Telecom of Missouri, Inc.'s Motion for Reconsideration.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Anthony K. Conroy/Tm

Anthony K. Conroy

Enclosure

cc: Attorneys of Record

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

Joint Petition of Birch Telecom of)	
Missouri, Inc. for a Generic Proceeding)	
To Establish a Southwestern Bell Telephone)	Case No. TT-2000-513
Company Collocation Tariff Before the)	
Missouri Public Service Commission.)	

**SOUTHWESTERN BELL TELEPHONE COMPANY'S RESPONSE
IN OPPOSITION TO BIRCH TELECOM OF MISSOURI, INC.'S
MOTION FOR RECONSIDERATION**

COMES NOW Southwestern Bell Telephone Company (SWBT) and for its Response in Opposition to Birch Telecom of Missouri, Inc.'s (Birch's) Motion for Reconsideration in the above-captioned case, states to the Missouri Public Service Commission (Commission) as follows:

1. In its Motion for Reconsideration, Birch raises the same arguments raised by the joint petitioners¹ in their original Joint Petition filed on February 22, 2000. Once again, Birch claims that it should be permitted to unilaterally override provisions relating to collocation contained in its Commission-approved interconnection agreement with SWBT. Birch seeks to avoid its interconnection agreement with SWBT by asking the Commission to require SWBT to tariff physical collocation. Among other things, Birch claims that such a tariff is required by the Telecommunications Act of 1996 (Act).

2. As SWBT described in its Motion to Dismiss and, in the Alternative, Response to Joint Petition, and again in its Response in Opposition to Petitioners' Motion for Interim Relief, both of which SWBT incorporates herein by this reference, Section 251(c)(6) of the Act simply

¹ There were five joint petitioners that filed the original Joint Petition in this case: Birch, Rhythms Links, Inc., NextLink Missouri, Inc., McLeodUSA Telecommunications Services, Inc. and IP Communications Corporation of the Southwest. Birch is the only petitioner that seeks reconsideration of the Commission's Order Dismissing Petition and Closing Case.

does not impose such a tariff requirement on SWBT, nor does it authorize the Commission to "enforce" such a requirement. Rather, the Act establishes a very explicit procedure for negotiating rates, terms and conditions to be included in interconnection agreements between incumbent local exchange carriers (LECs) and competitive local exchange carriers (CLECs), and arbitrating any interconnection issues which the parties cannot resolve by negotiation.

3. Birch's arguments also remain inconsistent with the Commission's determination in the AT&T/MCI arbitration with SWBT (Case No. TO-97-40, et al.) that expressly approved the use of individual case basis pricing and collocation terms and conditions contained in an interconnection agreement rather than a tariff. Birch has still not explained why the Commission should abandon this framework, under which collocation has unquestionably flourished in Missouri. (See SWBT's Motion to Dismiss, par. 9).

4. Finally, Birch argues that the Commission should reconsider its Order Dismissing Petition and Closing Case because "SWBT has not indicated a date certain to the Commission by which it will make its Missouri "271" filing with the M2A." (Birch Motion for Reconsideration, p. 3). Birch's argument is now moot. On June 28, 2000, SWBT filed its Motion to Update the Record and for Approval of the Missouri 271 Interconnection Agreement (M2A) with the Commission in Case No. TO-99-227. Included as attachments to the M2A are separate appendices relating to physical and virtual collocation, which include statewide average pricing and standard terms and conditions which will be available to all CLECs, including Birch, once the M2A becomes effective.

WHEREFORE, for the reasons described herein, SWBT respectfully requests that the Commission deny Birch's Motion for Reconsideration.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served to all parties listed below by first-class postage prepaid, U.S. Mail on June 29, 2000.


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