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May 2, 2002

VIA FEDERAL EXPRESS

Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, Missouri 65101

ATTN: DEBBIE - RECORDS


RE: Case No. TC-2002-397

Dear Debbie:

Per our telephone conversation of this morning, enclosed please find the original Motion To Be Excused from Prehearing Conference. This document was filed with the Commission today (Thursday, May 2), however, the date stamp on our filed copy is May 1.

Thank you for your attention to this matter. If you should have any questions, please do not hesitate to contact me.

Very truly yours,



Robin Russell  
Secretary to Mark P. Johnson

/rgr  
Enclosure

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

**In the Matter of the Determination of Prices        )  
of Certain Unbundled Network Elements.        )       Case No. TO-2002-397**

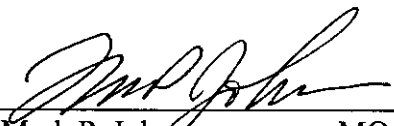
**MOTION TO BE EXCUSED FROM PREHEARING CONFERENCE**

Comes now DIECA Communications, Inc. d/b/a Covad Communications Company (hereinafter "Covad"), by and through its undersigned counsel, and pursuant to 4 C.S.R. 240-2.090(5), asks to be excused from the prehearing conference scheduled for May 2, 2002. In support of this motion, Covad states the following:

1. Covad has intervened in this proceeding, and intended to appear at the prehearing conference on May 2, 2002. However, due to unforeseen travel difficulties, its undersigned counsel is unable to appear for the prehearing.
2. The undersigned contacted Regulatory Law Judge Vicky Ruth by telephone on the morning of May 2, prior to the prehearing conference, to inform her of his unforeseen scheduling problem. The undersigned files this motion to confirm the message delivered to Judge Ruth and to seek the Commission's permission to excuse Covad from the prehearing conference.
3. This motion is not brought for purposes of delay, but rather simply due to an unforeseen scheduling problem. Covad will promptly respond to any issues or inquiries raised at the prehearing.

Wherefore, Covad moves that the Commission excuse it from the May 2, 2002 prehearing conference.

Respectfully submitted,

By:   
Mark P. Johnson MO Bar No. 30740  
Sonnenschein Nath & Rosenthal  
4520 Main Street, Suite 1100  
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ATTORNEYS FOR DIECA COMMUNICATIONS,  
INC. d/b/a COVAD COMMUNICATIONS  
COMPANY

## VERIFICATION


STATE OF MISSOURI  
COUNTY OF JACKSON

) SS:

COMES NOW Mark P. Johnson, being of lawful age and duly sworn, who swears and affirms as follows:

1. My name is Mark P. Johnson, and I am an attorney for DIECA Communications, Inc. d/b/a Covad Communications Company. In that capacity, I am authorized to verify this Motion, and the information contained therein, on behalf of DIECA Communications, Inc. d/b/a Covad Communications Company.

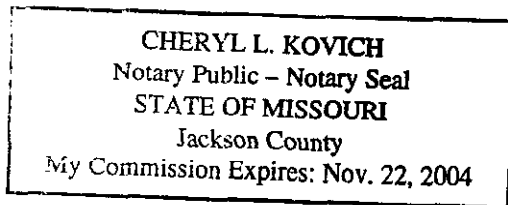
2. The information contained in the above-referenced document is true and accurate to the best of my knowledge and belief.

  
Mark P. Johnson

Subscribed and sworn to before me this 2<sup>nd</sup> day of May, 2002.

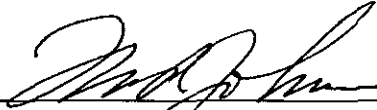
Cheryl L. Kovich  
Notary Public

My commission expires:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2<sup>nd</sup> day of May, 2002, a true and correct copy of the above and foregoing Motion was placed in the United States mail, first-class, postage prepaid, to all parties of record.

A handwritten signature in black ink, appearing to be "M. P. Smith", written over a horizontal line.

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