

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

Southwestern Bell Telephone, L.P., d/b/a SBC Missouri's)	
Petition for Compulsory Arbitration of Unresolved Issues)	
For a Successor Interconnection Agreement to the)	Case No. TO-2005-0336
Missouri 271 Agreement ("M2A"))	

SBC MISSOURI'S MEMORANDUM

SBC Missouri,¹ pursuant to the Missouri Public Service Commission's ("Commission") April 6, 2005 Order² respectfully submits this Memorandum:

1. In its April 6, 2005 Order, the Commission directed SBC Missouri and Staff of the Missouri Public Service Commission to prepare Memoranda of Law advising the Commission of the affects, if any, if the Commission determines that SBC Missouri's Petition for Arbitration was not timely filed under Section 252(b)(1) of the Act and Section (2) of the Commission's Arbitration Rule.³

2. As set out more fully in its Supplemental Submission filed concurrently with this Memorandum, SBC Missouri filed its Arbitration Petition pursuant to the controlling procedures set out in the Missouri 271 Interconnection Agreement ("M2A") which was approved on March 15, 2001, by the Commission in Case No. TO-99-227. Therefore, SBC Missouri's arbitration filing was timely and the Commission should proceed with this arbitration.

3. If, contrary to SBC Missouri's position, the Commission determines that the Petition was not timely filed and declines to proceed with the Arbitration, the M2A provides that the parties submit the case to commercial arbitration:

4.2 If either party has served a Notice to Negotiate pursuant to paragraph 4.1 above then, notwithstanding the expiration of the Agreement in accordance with

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri" or "SBC."

² See, Order Directing Notice of Petition for Arbitration, Appointment of Arbitrator, Appointment of Arbitrator Advisory Staff, Adding Parties, Setting Initial Arbitration Meeting, Directing Filing, and Adopting Protective Order, issued April 6, 2005 in Case No. TO-2005-0336.

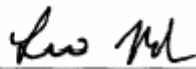
³ April 6, 2005 Order, p. 6.

paragraph 4.1 above, the terms, conditions, and prices of this Agreement will remain in effect for a maximum of 135 days after expiration of the Agreement for completion of said negotiations and any necessary arbitration. The Parties agree to resolve any impasse by submission of the disputed matters to the Missouri PSC for arbitration. Should the Missouri PSC decline jurisdiction, the Parties will resort to a commercial provider of arbitration services.⁴

WHEREFORE, SBC Missouri respectfully requests the Commission to assume jurisdiction over this arbitration and proceed with the resolution of disputed issues as presented by the parties.

Respectfully submitted,

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⁴ Missouri 271 Interconnection Agreement, General Terms and Conditions, Section 4.2 (emphasis added).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on or about April 15, 2005.

BY *h m*

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