

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

In the Matter of )  
 )  
Petition for Arbitration of XO MISSOURI, INC. )  
Of an Amendment to an Interconnection ) Case No. LO-2004-0575  
Agreement with SOUTHWESTERN BELL )  
TELEPHONE, L.P., d/b/a SBC MISSOURI )  
Pursuant to Section 252(b) of the Communications )  
Act of 1934 as Amended. )

**AFFIDAVIT OF ANTONINE M. MEGGER**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

COMES NOW Antonine M. Megger, being duly sworn, and states as follows:

1. My name is Antonine M. Megger. I am employed by Ameritech Services, Inc. as a Lead Negotiator in the Industry Markets group. My address is 350 N. Orleans Street, Floor 3, Chicago, Illinois 60654.
2. In my capacity as a Lead Negotiator, it is my responsibility to conduct negotiations with certain competitive local exchange carriers ("CLECs") concerning various matters, including interconnection issues arising under Sections 251-252 of the federal Telecommunications Act of 1996 ("the Act") and, where an interconnection agreement is in place, any change of law negotiations.
3. One of the accounts to which I have been assigned is XO Missouri, Inc. I am also assigned to various other XO affiliates, including XO Illinois, XO Michigan and XO Ohio. I was assigned as Lead Negotiator for the various XO affiliates on May 25, 2001. Southwestern Bell Telephone, L.P. d/b/a SBC Missouri ("SBC Missouri") and XO Missouri entered into an interconnection agreement which was filed with the Missouri Public Service Commission ("Commission") on July 25, 2001 ("Interconnection Agreement"). The Interconnection Agreement between the parties is the Missouri 271 Interconnection Agreement ("M2A"), and SBC Missouri and XO Missouri have entered into various amendments, which were submitted to the Commission after the execution of the Interconnection Agreement.

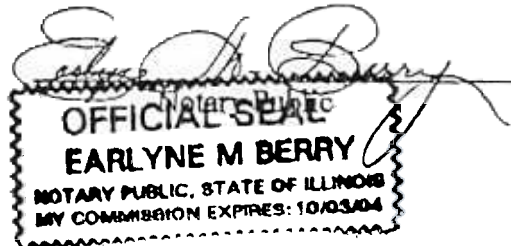
4. On August 21, 2003, the Federal Communications Commission ("FCC") released its Triennial Review Order,<sup>1</sup> which considered the obligations of Incumbent Local Exchange Carriers ("ILECs") to provide access to certain unbundled network elements. The Triennial Review Order became effective on October 2, 2003. Following the issuance of the Triennial Review Order, certain of the SBC affiliated ILECs sent change of law notifications to various CLECs to incorporate the substance of the Triennial Review Order in currently effective interconnection agreements. Those notices were sent pursuant to the Change of Law provisions in the applicable interconnection agreements between the various SBC ILEC affiliates and the various CLEC entities.
5. With regard to the various XO CLEC affiliates, the SBC ILECs sent notices of change of law notifications to negotiate changes to existing interconnections agreements with XO Illinois, XO Michigan and XO Ohio on October 30, 2003, as well as to NextLink California, Inc. (another XO affiliate). SBC Missouri did not send any change of law notification or request to amend the Interconnection Agreement as a result of the Triennial Review Order to XO Missouri. Nor did XO Missouri send any notification to SBC Missouri of a request to enter into negotiations to incorporate the results of the Triennial Review Order into the existing Interconnection Agreement. SBC Missouri and XO Missouri have not conducted any negotiations or discussions to incorporate the results of the FCC's Triennial Review Order into the existing Interconnection Agreement between the parties.
6. Following the notification to the various XO affiliates in Illinois, Michigan, Ohio and California on October 30, 2003, communications took place between the SBC ILEC affiliates and the XO affiliates in those states. As discussed above, however, SBC Missouri did not provide notification to XO Missouri that it wished to modify the existing Interconnection Agreement to incorporate the result of the FCC's Triennial Review Order and, accordingly, no such negotiations have been conducted between SBC Missouri and XO Missouri on this issue.

  
Antonine M. Megger

Subscribed and sworn to before me this 11<sup>th</sup> day of May, 2004.

My Commission Expires:

10-03-04



<sup>1</sup> Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Report and Order and Further Notice of Proposed Rulemaking, (rel. August 21, 2003).