

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

In the Matter of the Application of Southwestern     )  
Bell Telephone Company, d/b/a AT&T Missouri,     )     Case No. \_\_\_\_\_  
For Approval of an Amendment to an     )  
Interconnection Agreement Under the     )  
Telecommunications Act of 1996.     )

**AT&T MISSOURI'S APPLICATION FOR APPROVAL OF  
AN AMENDMENT TO AN INTERCONNECTION AGREEMENT**

AT&T Missouri,<sup>1</sup> pursuant to Section 252(e) of the Telecommunications Act of 1996 ("the Act")<sup>2</sup> and 4 CSR 240-3.513(6)(C), respectfully submits this Application for Approval of an Amendment to an Interconnection Agreement ("Amendment") by and between AT&T Missouri and XO Communications Services, Inc. ("XO") and requests that the Commission approve the Amendment.

In support of this Application, AT&T Missouri states:

1. AT&T Missouri is a Missouri corporation with its principal Missouri office at One AT&T Center, Room 3520, St. Louis, Missouri 63101. It may be contacted at the regular and electronic mail addresses and telephone and facsimile numbers of its attorneys, as set out under the signature block of this Application. AT&T Missouri is authorized to do business in Missouri<sup>3</sup> and its fictitious name is duly registered with the Missouri Secretary of State.<sup>4</sup> AT&T Missouri is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications

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<sup>1</sup> Southwestern Bell Telephone Company, d/b/a AT&T Missouri ("AT&T Missouri").

<sup>2</sup> 47 U.S.C. §252(e).

<sup>3</sup> In accordance with 4 CSR 240-2.060(1) and (G), a certified copy of Southwestern Bell Telephone Company's Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on August 15, 2007, in Case No. IK-2008-0044.

<sup>4</sup> In accordance with 4 CSR 240-2.060(1)(E) and (G), a copy of the registration of the fictitious name "AT&T Missouri" was filed with the Commission on July 17, 2007, in Case No. TO-2002-185.

service" within the State of Missouri, as each of those phrases is defined in Section 386.020, RSMo 2000.<sup>5</sup>

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Timothy P. Leahy  
Leo J. Bub  
Robert J. Gryzmala  
Attorneys for Southwestern Bell Telephone Company  
d/b/a AT&T Missouri  
One AT&T Center, Room 3516  
St. Louis, Missouri 63101

3. AT&T Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court, which involve retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. Moreover, AT&T Missouri has no pending actions which satisfy the listed criteria in Arkansas, Kansas, Missouri or Oklahoma. AT&T Texas (the fictitious name under which Southwestern Bell Telephone Company operates in Texas) has six pending formal complaints or lawsuits from end-user customers in Texas which involve retail customer service or rates.<sup>6</sup>

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<sup>5</sup> Following its June 26, 2007, Order in Case No. TO-2002-185 allowing Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, to alter its status from a Texas limited partnership to a Missouri corporation, the Commission approved tariff revisions to reflect the new corporate name, Southwestern Bell Telephone Company d/b/a AT&T Missouri. See, Order Granting Expedited Treatment and Approving Tariffs, Case No. TO-2002-185, issued June 29, 2007.

<sup>6</sup> The pending lawsuits in Texas involving customer service or rates are (1) Irving's Holding, Inc. v. SBC Communications, Inc., Docket No. CC-05-07415-C and (2) David Lavine, M.D. and David Lavine, M.D., P.A. d/b/a Center for Cosmetic and Reconstructive Surgery v. AT&T Inc., Cause No. 07-54771-2. The pending formal complaints before the Texas Public Utility Commission involving customer service or rates are as follows: (1) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 34332; (2) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 34940; (3) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 35363; Complaint of Lonzie Leath Against AT&T Texas, Docket No. 35133; and (4) Complaint of John J. Gitlin, Esq. Against AT&T Texas, Docket No. 34348.

4. AT&T Missouri does not have any annual report or assessment fees that are overdue in Missouri.

5. AT&T Missouri seeks approval of the Amendment attached hereto (which has been signed by the parties) pursuant to Section 252(e)(1) of the Act. The Commission must approve the Amendment unless it determines that the Amendment (or any portion thereof) (1) discriminates against a telecommunications carrier not a party to the Amendment, or (2) the implementation of such Amendment is not consistent with the public interest, convenience, and necessity.<sup>7</sup>

6. AT&T Missouri states that the Amendment does not discriminate against a telecommunications carrier not a party to the Interconnection Amendment. AT&T Missouri further states that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. The Amendment is intended to reflect the Memorandum and Order, and Declaratory Judgment and Permanent Injunction entered by the United States District Court for the Eastern District of Missouri, in case No. 4:05-CV-1264 CAS (September 14, 2006). On June 20, 2008, the Court's rulings were affirmed by the United States Court of Appeals for the Eighth Circuit in Case No. 06-3701, and a petition for Rehearing was denied on July 25, 2008. The Amendment also reflects pricing changes arrived at between the parties.

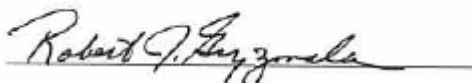
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<sup>7</sup> See, 47 U.S.C. § 252(e)(2).

WHEREFORE, AT&T Missouri respectfully requests that the Commission approve the Amendment to the Interconnection Agreement between AT&T Missouri and XO Communications Services, Inc.

Respectfully submitted,

Southwestern Bell Telephone Company  
d/b/a AT&T Missouri

BY 

TIMOTHY P. LEAHY	#36197
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ROBERT J. GRYZMALA	#32454

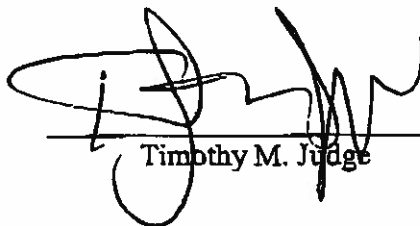
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COUNTY OF COLE            )  
                                      )  
STATE OF MISSOURI        )

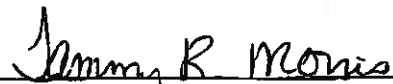
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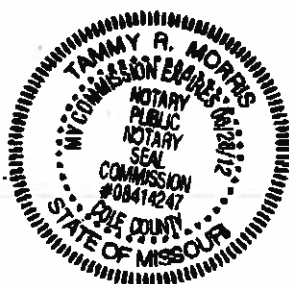
**VERIFICATION**

I, Timothy M. Judge, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and Director-Regulatory of AT&T Services, Inc. I am authorized to act on behalf of AT&T Missouri regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Timothy M. Judge

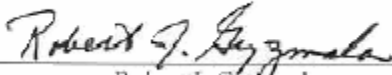
Sworn and subscribed to before me this 27<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Notary Public



## **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on July 29, 2008.

  
Robert J. Gryzmala

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Missouri Public Service Commission  
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