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 Southwestern Bell

August 31, 1999

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

Dear Judge Roberts:

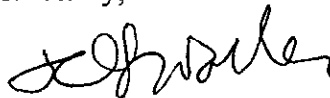
Re: Case No. TO-2000-148

Enclosed for filing with the Commission in the above-referenced case are an original and fourteen (14) copies of Southwestern Bell Telephone Company's Statement of Position.

Also enclosed is an additional copy to be file stamped and returned to us in the enclosed self-addressed, stamped envelope.

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

Sincerely,



Enclosures

cc: Parties of Record

FILED<sup>2</sup>

SEP 1 1999

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
SEP 1 1999

Missouri Public  
Service Commission

In the Matter of the Adoption by Harcourt )  
Telco, L.L.C., d/b/a Maverix.com, Inc., of an )  
Interconnection Agreement between Northpoint )  
Communications and Southwestern Bell Telephone )  
Company under the Telecommunications Act )  
of 1996. )

Case No. TO-2000-148

**SOUTHWESTERN BELL TELEPHONE COMPANY'S  
STATEMENT OF POSITION**

1. On August 16, 1999, Harcourt Telco, L.L.C., d/b/a Maverix.com, Inc. (Maverix) filed its Application for approval of Interconnection Agreement.

2. The Commission has a practice of making Southwestern Bell Telephone Company (Southwestern Bell) a party to such applications whenever it is a party to the underlying agreement.

3. The agreement was arrived at pursuant to Section 252(i) of the Telecommunications Act and is an "MFN" into the Northpoint/Southwestern Bell Interconnection Agreement. The Northpoint agreement is itself an AT&T MFN.


4. In this Statement of Position, Southwestern Bell seeks to draw to the Commission's attention its concern about Section 252(i) agreements premised on the arbitrated SWBT/AT&T agreement and "next generation" MFNs premised upon MFNs into the arbitrated AT&T agreement. The Maverix agreement submitted in this case was entered into pursuant to Section 252(i) of the Act and is nearly identical to the SWBT/Northpoint Interconnection Agreement and the "first generation" SWBT/AT&T of the Southwest, Inc. (AT&T) Interconnection Agreement. The Maverix agreement was not negotiated. SWBT signed the agreement only because it is required to do so under the Act and in light of the Commission's decision in TO-98-200 (MCI mediation and arbitration). The underlying SWBT/AT&T agreement was a product of negotiations and arbitrations in Missouri Public Service Commission

Case Nos. TO-97-40 and TO-97-67 (the Initial AT&T Arbitration) and Case No. TO-98-115 (the Second AT&T Arbitration). The Commission Orders in the initial and second AT&T arbitrations are the subject of appeals. Pursuant to the Missouri Public Service Commission's finding in its July 22, 1998 Report and Order in Case No. TO-98-200 (MCI mediation and arbitration), a party adopting an agreement pursuant to Section 252(i) of the Act cannot obtain greater rights than the parties to that agreement. Accordingly, even though this agreement is an MFN into the SWBT/Northpoint agreement, which is itself an AT&T MFN, in the event of any amendment of the underlying SWBT/AT&T agreement, or any administrative, regulatory, legislative or judicial order, rule, opinion or other legal action, (collectively, "legal actions") affecting the underlying SWBT/AT&T arguments or any subsequent agreement between SWBT and AT&T, required by or resulting from such legal actions, which revises or modifies SWBT's rights and/or obligations pertaining to any matter contained in the AT&T interconnection agreements (a subsequent development), the relevant provisions of the SWBT/Maverix agreement should be deemed automatically modified, amended or conformed to be consistent with such subsequent development.

WHEREFORE, SWBT respectfully requests the Commission to approve the SWBT/Maverix agreement subject to the position stated herein.

Respectfully submitted,

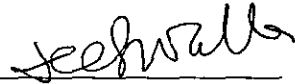
SOUTHWESTERN BELL TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the attached Service List by first-class postage prepaid, U.S. Mail on August 31, 1999.



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