

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application for Approval)
of an Amendment to the Interconnection)
Agreement Between Cbeyond Communications,) Case No.
LLC and Southwestern Bell Telephone, L.P.)
d/b/a AT&T Missouri.)

APPLICATION FOR APPROVAL OF
AMENDMENT TO INTERCONNECTION AGREEMENT

COMES NOW Cbeyond Communications, LLC (“Cbeyond”) and for its Application for Approval of Amendment to Interconnection Agreement, pursuant to Section 252(e) of the Telecommunications Act of 1996 ("the Federal Act"), 4 CSR 240-3.513(6)(c), 4 CSR 240-2.040, 4 CSR 240-2.060 and 4 CSR 240-2.080, states to the Commission as follows:

1. Cbeyond Communications, LLC, is a Delaware limited liability company in good standing duly authorized to conduct business in Missouri with regulatory offices at 320 Interstate North Parkway, Suite 200, Atlanta, Georgia 30339. Cbeyond is authorized as a competitive local exchange carrier under a certificate granted by the Commission. A certificate of good standing issued by the Missouri Secretary of State is attached hereto.

2. Cbeyond can be reached at:

Charles E. (Gene) Watkins
Cbeyond Communications, LLC
320 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
678-370-2174
678-424-2500 (Fax)
Email: gene.watkins@cbeyond.net

3. All inquires, correspondence, communications, pleadings, notices, orders, and decisions, relating to this Application should be directed to Cbeyond through its local counsel:

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@lawfirmemail.com

4. Southwestern Bell Telephone, L.P., is a Texas limited partnership, with its principal Missouri office at One AT&T Center, Room 3520, St. Louis, Missouri 63101. Southwestern Bell Telephone, L.P. is authorized to do business in Missouri under the name "AT&T Missouri". AT&T Missouri is a local exchange telecommunications company and a public utility, and is duly authorized to provide telecommunications services within the State of Missouri as each of those phrases are defined in Section 386.020, R.S.Mo.

6. Cbeyond and AT&T Missouri are currently interconnecting and exchanging traffic pursuant to the terms of the interconnection agreement (the "Agreement") originally made between Southwestern Bell Telephone, L.P. d/b/a SBC Missouri and Cbeyond and approved by the Commission in Case Nos. TO-2005-0336 and TK-2006-0044.¹

7. Cbeyond presents to this Commission for approval the Amendment to the Agreement attached hereto as Exhibit 1, concerning the parties' agreement as to the impact of certain federal court proceedings on, as well as extension of the term of, the Interconnection Agreement between Cbeyond and AT&T Missouri. Said Amendment has been negotiated and executed pursuant to the terms of the Federal Act. All issues have been successfully negotiated and agreed upon. No

¹ See SBC Missouri's Notice Regarding CLECs That Have Not Selected An ICA, Case No. TO-2005-0336 (10/24/2005).

arbitration of any issue is required. Both parties have signed the Amendment. The Amendment and the underlying Interconnection Agreement, as previously amended and approved, constitute the full agreement of the parties and there are no side agreements related thereto.

8. Except as modified by this Amendment, all other terms and conditions of the Agreement, as previously amended and approved, between the parties shall remain unchanged and in full force and effect.

9. Cbeyond seeks the Commission's approval of the Amendment to the Agreement consistent with the provisions of the Federal Act and Missouri law. Cbeyond believes that the implementation of the Amendment complies fully with Section 252(e) of the Federal Act because the Amendment is non-discriminatory and consistent with the public interest, convenience and necessity.

10. Cbeyond respectfully requests that the Commission grant approval of the Amendment without change, suspension, or other delay in implementation.

11. Cbeyond respectively states that it does not have any pending actions or unsatisfied final judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application

12. Cbeyond states that it does not have any overdue annual reports or assessment fees.

WHEREFORE, Cbeyond respectfully requests that the Commission approve the Amendment to the Interconnection Agreement and grant additional relief as the Commission deems proper and reasonable.

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)
clumley@lawfirmemail.com

Attorney for Cbeyond Communications, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 13th day of February, 2008 by email or by placing same in the U.S. Mail, postage prepaid.

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov


Leo Bub
AT&T Missouri
One SBC Center, Room 3518
St. Louis, Missouri 63101
leo.bub@att.com

/s/ Carl J. Lumley

Carl J. Lumley

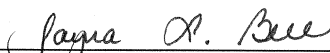
STATE OF Georgia)
) SS
COUNTY OF Cobb)
VERIFICATION

I, Charles E. (Gene) Watkins, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and the Senior Counsel of Cbeyond Communications, LLC. I am authorized to act on behalf of Cbeyond Communications, LLC, regarding the foregoing document. I have read the foregoing document and I am informed and believe that the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, Clayton, Missouri 63105, are authorized to sign all pleadings and documents necessary to obtain the decision of the Missouri Public Service Commission on the foregoing document, and to represent Cbeyond Communications, LLC in this proceeding.


Charles E. (Gene) Watkins

On this 11th day of February, 20 08, before me, a Notary Public, personally appeared Charles E. (Gene) Watkins, and being first duly sworn upon his oath stated that he is over twenty-one years, sound of mind and Senior Counsel of Cbeyond Communications, LLC, he signed the foregoing document as Senior Counsel of Cbeyond Communications, LLC and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.


Notary Public

My Commission Expires: 3/20/2010

