



Date: **September 20, 2004**

Number: **CLEC04-324**

Effective Date: **NA**

Category: **Interconnection**

Subject: **(BUSINESS PROCESSES) Negotiation of Successor Agreements to the M2A – General Procedures and Overview**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **Missouri**

Response Deadline: **November 1, 2004**

Contact: **Terri Mansir**
Lead Negotiator/Coordinator
214-858-0708
X2AMAIL@txmail.sbc.com

Conference Call/Meeting: **NA**

The Missouri 271 Agreement (M2A) expiration date of March 6, 2005 is rapidly approaching. This letter is being sent to advise all CLEC customers who currently have either the M2A interconnection agreements (or any M2A provisions included in an interconnection agreement) of Southwestern Bell Telephone, L.L.P. d/b/a Southwestern Bell Telephone Company's (SBC's) intent to begin the negotiations for a successor interconnection agreement under the timeline provided for in Sections 4.1 and 4.2 of the General Terms and Conditions. SBC's Notices to Negotiate were served on all appropriate parties as of September 3, 2004. Under the terms of the contracts, each CLEC is required within 30 days of notice to provide SBC of their intention to either renegotiate a successor agreement or terminate the existing business arrangement. SBC previously distributed a negotiations timeline that must be corrected. The correct negotiation timeline is October 22, 2004 – March 5, 2005 and an arbitration window of March 6, 2005 – March 31, 2005. A correct negotiations timeline letter is attached.

The intent of this Accessible Letter is to provide general information governing the successor negotiations in order to accomplish this task in a resource and cost efficient manner. Of course, if your company is party to such an agreement, but does not wish to continue a contractual relationship with SBC after the expiration of either of these agreements, it may provide written confirmation of that decision and need not engage in negotiation of an agreement to succeed its M2A agreement after such expiration.

SBC is offering four methods for this renegotiation effort. First, a CLEC may request bilateral negotiations which will be scheduled with assigned SME Negotiators rather than the traditional single assigned Negotiator. This method is being employed to maintain consistent positions throughout the same subject matter for greater efficiencies in the implementation phase of each successor agreement within the same state. The second option is to negotiate collectively in a smaller group where the parties agree to utilize the same baseline document, but where they may certainly sponsor specific language necessary for their individual business plan. The third option, is to execute the Joint Stipulation (attached) which indicates that the CLEC will not engage in either negotiation or active participation in an arbitration proceeding in exchange for adopting a successor agreement resulting from the arbitration proceeding. A fourth option available is SBC's 13-State Generic interconnection agreement.

For either Options 1 or 2, SBC is providing the attached Renegotiations Checklist form identifying which appendices are being requested to negotiate and the times each CLEC(s) are available for such discussions. In those instances, where SBC's proposed redline is accepted and no further discussions are needed, SBC requests that this be noted to ensure a full interconnection agreement is created. Upon receipt of this checklist, SBC will contact the individual identified to create a firm schedule as well as provide a calendar with SBC Negotiator names and conference bridge information. Where a negotiation session is requested to be in person, SBC will work with those specific CLECs to accommodate such request if possible. SBC requests redlines be sent at least two weeks prior to each scheduled session.

SBC has created a website for Missouri containing SBC's initial redlines to the M2A which will be posted October 7, 2004. The address for Missouri is <https://clec.sbc.com/clec/shell.cfm?section=2253>. The redlines will be in word format and can easily be downloaded. CLEC counter proposed redlines for SBC's consideration should be forwarded to the following e-mail address specifically used for these special projects. M2A correspondence/redlines should be addressed to X2AMAIL@TXMAIL.SBC.COM.

It is SBC's intention that we work cooperatively with each other in the coming months to create a smooth transition from the M2A (or, as applicable, M2A provisions) to a successor agreement (or provisions, as applicable).

Attachments:



M2A Renegotiations
Checklist.d...



Negotiations
Window Letter .do...



Proposed
ipulation 092004.do

M2A Renegotiations Checklist

CLEC Name: ____

Contact Person: ____

Phone: ____

E-mail: ____

Option I - Negotiate by Appendix: ☐ Yes ☐ NoIf yes, please select the method of your negotiations: ☐ Bilateral☐ Collective led by _____

Please indicate which of the following will be negotiated:

Subject*

- ☐ Yes ☐ No GTC
☐ Yes ☐ No Resale
☐ Yes ☐ No UNE
☐ Yes ☐ No Network
☐ Yes ☐ No Recip Comp
☐ Yes ☐ No Collocation
☐ Yes ☐ No Structure Access (ROW)
☐ Yes ☐ No E911
☐ Yes ☐ No Network Security
☐ Yes ☐ No Performance Measures
☐ Yes ☐ No Directory Listings
☐ Yes ☐ No White Pages
☐ Yes ☐ No Clearing House
☐ Yes ☐ No Numbering
☐ Yes ☐ No Directory Assistance
☐ Yes ☐ No Operator Services
☐ Yes ☐ No Recording
☐ Yes ☐ No DSL
☐ Yes ☐ No OSS

☐ All of the above

*Pricing will be associated with specific subject matter appendix

Date(s) Proposed

_____	_____	_____	_____
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Option II - Joint Stipulation into MFN ☐ Yes ☐ NoOption III - 13 State Generic ☐ Yes ☐ NoPLEASE COMPLETE AND RETURN TO: X2AMAIL@TXMAIL.SBC.COM



September 20, 2004

CLEC
CLEC CONTACT NAME

Re: Negotiations for a Successor Interconnection Agreement Between _____
("CLEC") and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri ("SBC Missouri")

Dear Sir/Madam:

This letter will confirm the agreement between _____ ("CLEC") and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri ("SBC Missouri"), regarding the status of negotiations for a successor Interconnection Agreement between our companies.

The parties agree that the negotiation of a successor agreement between them officially commences on October 22, 2004, notwithstanding any previous correspondence between the parties.

Accordingly, the 135 to 160 day period during which either party may file for arbitration under section 252(b)(1) of the Federal Telecommunications Act of 1996 shall begin on March 6, 2005 and will end on March 31, 2005 inclusive (the "Arbitration Window"). In the event that a successor agreement is not reached on or before the close of the Arbitration Window, either party may petition the Missouri Public Service Commission to arbitrate any open issues.

Please confirm the above by signing below and returning the original of this letter bearing your signature to me. I have enclosed a copy for you to retain.

Sincerely,

AGREED:

SBC Missouri

CLEC Name

PROPOSED JOINT STIPULATION for Missouri– FOR DISCUSSION PURPOSES ONLY

This stipulation is between Southwestern Bell Telephone, L.P. (“SWBT”) and certain CLECs¹ who are parties to the M2A (“Non-Participating CLECs”) to confirm the parties’ agreement relating to negotiations and arbitration of a successor interconnection agreement.

1. Non-Participating CLECs will be parties in Docket _____, but they will not be required, or permitted, to actively participate in this proceeding, nor to propound or respond to discovery or testimony, nor will they make or receive filings in this docket. They expressly waive service of documents served on other parties to this docket.
2. Each of the Non-Participating CLECs agrees that it will adopt, pursuant to the provisions of Section 252(i) of the Federal Telecommunications Act, one of the M2A Successor Agreements approved in Docket No. _____.
3. Nothing in this agreement precludes any Non-Participating CLEC from subsequently (following its adoption of an ICA that is approved in this proceeding) exercising its MFN rights under Section 252(i), nor shall anything in this agreement constitute a waiver of any such MFN rights.
4. In the event SWBT later agrees to an extension of the M2A, which SWBT has not done and is not obligated to do, any such extension shall apply to the contracts of the Non-Participating CLECs.

¹ List of CLECs