

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,)
for Approval of an Amendment to an) **Case No. IK-2009-0245**
Interconnection Agreement Under the)
Telecommunications Act of 1996)

ORDER DIRECTING NOTICE AND MAKING **BIRCH TELECOM OF MISSOURI, INC. AND IONEX** **COMMUNICATIONS, INC. A PARTY**

Issue Date: December 12, 2008

Effective Date: December 12, 2008

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, Birch Telecom of Missouri, Inc. and Ionex Communications, Inc., as parties to this proceeding.

On December 11, 2008, Southwestern Bell Telephone Company, d/b/a AT&T Missouri filed an application with the Commission for approval of an amendment to an interconnection agreement with Birch and Ionex under the provisions of the federal Telecommunications Act of 1996. AT&T Missouri states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

Although Birch and Ionex are parties to the agreement, they did not join in the application. Because Birch and Ionex are necessary parties to a full and fair adjudication of this matter, the Commission will add them as a party to this case.

The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a

telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.¹ Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously. The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. Birch Telecom of Missouri, Inc. is made a party to this case.
3. Ionex Communications, Inc. is made a party to this case.
4. Any party wishing to request a hearing shall do so by filing a pleading no later than January 5, 2009, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Robert J. Gryzmala
Southwestern Bell Telephone Company
d/b/a AT&T Missouri
One AT&T Center, Room 3516
St. Louis, Missouri 63101

¹ 47 U.S.C. § 252(e).

Birch Telecom of Missouri, Inc.
Ionex Communications, Inc.
Attn: Legal Department
2300 Main Street, Suite 600
Kansas City, Missouri 64108

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

5. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than January 18, 2009.

6. This order shall become effective on December 12, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of December, 2008.