

James C. Stroo  
Associate General Counsel-Midwest



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July 28, 1997

**VIA AIRBORNE EXPRESS**

Mr. Cecil Wright  
Executive Secretary  
Missouri Public Service Commission  
301 W. High Street  
5th Floor, Room 530  
Jefferson City, MO 65101

**FILED**  
**JUL 29 1997**  
MISSOURI  
PUBLIC SERVICE COMMISSION

TC-98-41

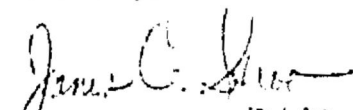
Dear Mr. Wright:

Enclosed for filing, please find the original and fourteen (14) copies of the Joint Application of GTE Midwest Incorporated and GTE Arkansas Incorporated and Dial Call, Inc. (Nextel Communications) for Approval of Interconnection Agreement under the Telecommunications Act of 1996.

Also enclosed for filing is an original and fourteen (14) copies of Joel M. Margolis' Request to Appear.

Thank you for your assistance in this matter.

Sincerely,

  
James C. Stroo BY RZ

JCS:sah  
Enc.

c: Joel M. Margolis - Nextel  
Office of the Public Counsel  
Carolyn Little - Jefferson City, MO

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

In re: the Interconnection )  
Agreement of GTE Midwest )  
Incorporated and GTE Arkansas )  
Incorporated and Dial Call, Inc. )  
(Nextel Communications) )

Case No. \_\_\_\_\_

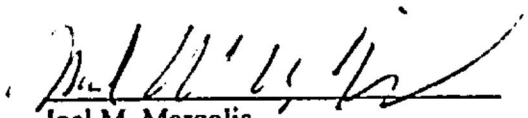
**REQUEST TO APPEAR**

Joel M. Margolis now comes and requests permission to appear and participate in the above referenced proceeding as the attorney for Dial Call, Inc. and states in support thereof as follows:

- 1) Joel M. Margolis is admitted to practice before the Supreme Court of the State of Maryland and the District of Columbia and has never been disqualified from practice before these Courts.
- 2) Joel M. Margolis will be associated with James C. Stroo, a member of the Missouri Bar having an office within Missouri.

WHEREFORE, Joel M. Margolis requests permission to appear and participate in the above referenced proceeding as the attorney for Dial Call, Inc.

Respectfully submitted,

  
Joel M. Margolis  
1505 Farm Credit Drive  
McLean, VA 22102  
(703)394-3627

Attorney for Dial Call, Inc.

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

FILED  
JUL 29 1997

MISSOURI  
PUBLIC SERVICE COMMISSION

In re: the Interconnection Agreement )  
of GTE Midwest Incorporated and )  
GTE Arkansas Incorporated ) Case No.  
and Dial Call, Inc. (Nextel Communications) )

TO-98-41

JOINT APPLICATION OF  
GTE MIDWEST INCORPORATED AND GTE ARKANSAS INCORPORATED  
AND DIAL CALL, INC. (NEXTEL COMMUNICATIONS)  
FOR APPROVAL OF INTERCONNECTION AGREEMENT  
UNDER THE TELECOMMUNICATIONS ACT OF 1996

COMES NOW, GTE Midwest Incorporated and GTE Arkansas Incorporated ("GTE") and Dial Call, Inc. (Nextel Communications) ("Nextel") and hereby files this Joint Application for Approval of Interconnection Agreement (the "Agreement") under the Telecommunications Act of 1996 ("the Federal Act") and would respectfully show the Missouri Public Service Commission (the "Commission") the following:

I. INTERCONNECTION AGREEMENT REACHED

Joint Applicants present to this Commission for approval an agreement negotiated and executed pursuant to the terms of the Federal Act (Agreement, Attachment I). After weeks of intensive good faith negotiations to address all of the complex issues involved in such an agreement, the parties have executed the Interconnection Agreement between GTE and Nextel on May 27, 1997 and filed herewith, together with the three (3)

appendices incorporated therein. There are no outstanding issues between GTE and Nextel that need the assistance of mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

GTE and Nextel seek the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. Both parties believe that the implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services after Nextel is certificated and has effective tariffs.

GTE and Nextel respectfully request that the Commission grant expeditious approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between competitors, and the parties do not believe a docket or intervention by other parties is necessary or appropriate.

## **III. STANDARD FOR REVIEW**

The statutory standards of review are set forth in Section 252(e) of the Federal Act which provides as follows:

Section 252(e) of the Federal Act:

(e) APPROVAL BY STATE COMMISSION

- (1) APPROVAL REQUIRED. Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the state commission. A state commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION. The State Commission may only reject --
  - (A) an agreement (or any portion thereof) adopted by negotiation under subsection
    - (a) if it finds that --
      - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement, or
      - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

IV. MISSOURI LEGISLATION

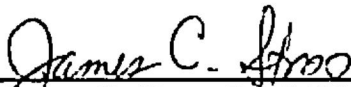
The negotiated and executed Agreement is consistent with the Missouri Legislation, Senate Bill No. 507, which became effective on August 28, 1996. After certification and the approval of tariffs, Nextel will be allowed to provide the customer with increased choices.

V. CONCLUSION

For the reasons set forth above, GTE and Nextel respectfully pray that the Commission approve the Agreement expeditiously.

Respectfully submitted,

GTE MIDWEST INCORPORATED and  
GTE ARKANSAS INCORPORATED



James C. Stroo, Bar #43349 <sup>BY RZ</sup>  
1000 GTE Drive  
Wentzville, MO 63385  
314-332-7663  
314-332-7969 (fax)

Attorney for GTE Midwest Incorporated and  
GTE Arkansas Incorporated

DIAL CALL, INC.  
(NEXTEL COMMUNICATIONS)



Joel M. Margolis <sup>BY RZ</sup>  
1505 Farm Credit Drive  
McClean, VA 22102  
703-394-3627  
703-394-3763 (fax)

Attorney for Dial Call, Inc.  
(Nextel Communications)

VERIFICATION

I, M. Michael Foster, under penalty of perjury, certify as follows:

I am President of GTE Midwest Incorporated and GTE Arkansas Incorporated and I am authorized to make this verification on behalf of GTE Midwest Incorporated and GTE Arkansas Incorporated. I have read the foregoing "Joint Application of GTE Midwest Incorporated and GTE Arkansas Incorporated and Dial Call, Inc. (Nextel Communications) for Approval of Interconnection Agreement under the Telecommunications Act of 1996" and know the contents thereof, and the facts stated therein are true and correct to the best of my knowledge, information and belief.

Executed in the State of Missouri on this 28<sup>th</sup> day of July, 1997.

M. Michael Foster

M. Michael Foster  
President  
GTE Midwest Incorporated and  
GTE Arkansas Incorporated

Sworn before me and subscribed in my presence by M. Michael Foster this 28<sup>th</sup> day of July, 1997.

Kathleen M. Feldewerth

Notary Public

KATHLEEN M. FELDEWERTH  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Charles County  
My Commission Expires Oct. 2, 1997