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## **Missouri Public Service Commission**

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
573-526-5695 (TT)  
<http://www.ecodev.state.mo.us/psc/>

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Chief Administrative Law Judge

**DANA K. JOYCE**  
General Counsel

August 25, 1997

**FILED**

**AUG 25 1997**

**MISSOURI  
PUBLIC SERVICE COMMISSION**

Leo J. Bub  
Southwestern Bell Telephone Company  
100 North Tucker Blvd., Room 630  
St. Louis, Missouri 63101-1976

Re: Case No. TO-98-21

Dear Mr. Bub:

On July 16, 1997, you submitted to the Commission copies of four interconnection agreements, some executed before, and some after, the enactment of the Telecommunications Act of 1996 (the Act). Specifically you submitted: 1) an SS7 agreement in which SWBT agreed to provide interconnection to ALLTEL which had been executed in February and/or March of 1997; 2) an SS7 agreement in which SWBT agreed to provide interconnection to Ameritech and which appears to be a preexisting agreement from 1994; 3) an SS7 agreement in which SWBT agreed to provide interconnection to GTE which appears to have been executed in February of 1997; and 4) a second SS7 agreement in which SWBT agreed to provide interconnection to GTE.

This filing was accompanied by a cover letter but was not accompanied by a pleading indicating the purpose and goal of your filing as required. Although these agreements were file stamped and assigned a case number, the cases will be closed because they present no issue for Commission decision as submitted. As was the procedure with SWBT's request for price cap determination, a mere letter is not sufficient to invoke the Commission's jurisdiction and to require action upon a proposal from your company. A pleading must be filed pursuant to 4 CSR 240-2.010 *et seq.*

The Commission is aware of the fact that the Act requires all agreements to be submitted to the appropriate state Commission for approval. The recent Eighth Circuit opinion in Iowa Utilities Board v. Federal Communications Commission, No. 96-3321, et al. has created a new uncertainty by leaving the state Commission the decision of which preexisting agreements must be approved and, in Missouri no independent decision has been taken on that issue.

In order for the Commission to take action on any interconnection agreements submitted they must be refiled with an appropriate pleading citing the authority under which they are filed and the action which is requested by the filing party. In addition, each agreement should be filed separately along with a petition asking for approval that cites the statutory authority on which the request is based. I would ask that you contact counsel for the other parties to these agreements to ensure that each agreement is filed only once. Thank you for your cooperation on this matter.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Dale Hardy Roberts by law".

Dale Hardy Roberts  
Chief Administrative Law Judge