

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 19, 2000**

CASE NO: TA-2000-665

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Sheldon K. Stock, Esq.
Greensfelder, Hemker & Gale, P. C.
2000 Equitable Building
10 South Broadway
St. Louis, MO 63102

Paul G. Lane/Leo J. Bub
Anthony K. Conroy/Mimi B. MacDonald
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Gerard J. Waldron, Esq.
Mary Newcomer Williams, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N. W.
Washington, D.C. 20004-2401

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Pathnet,)
Inc., for a Certificate of Service Authority)
to Provide Basic Local Telecommunications) Case No. TA-2000-665
Service in the State of Missouri and to)
Classify Said Services and the Company as)
Competitive.)

ORDER REOPENING CASE AND GRANTING
SECOND EXTENSION TO FILE TARIFF

On December 11, 2000, Pathnet, Inc. (Pathnet), filed a motion requesting an extension until January 31, 2001, to file its initial tariff. Pathnet previously requested an extension of time within which to file its initial tariff on November 16, 2000. That request was granted on November 22, 2000, and Pathnet was directed to file its tariff on December 15, 2000.

Pathnet was conditionally granted a certificate of service authority to provide basic local telecommunications services in the state of Missouri on August 8, 2000. The certificate of service authority will be effective when the company's tariff becomes effective. The Commission waived the filing of a tariff at Pathnet's request, but Pathnet was required to file a tariff within 30 days after the effective date of a Commission order approving an interconnection agreement that would allow for Pathnet to begin offering services. Orders approving interconnection agreements involving Pathnet were issued in Case Nos. TO-2001-27 and TO-2001-192 on September 27, 2000, and November 7, 2000, respectively.

22

In its first motion for an extension, Pathnet stated that it did file an initial tariff on October 16, 2000. However, Pathnet stated that it required additional time to revise the tariff to satisfy concerns expressed by the Commission's Staff, and that it would file a new tariff to address those concerns if an extension of time to file were granted. The Commission granted an extension until December 15, 2000.

The Commission notes that this case was closed on August 21, 2000, and reopened in the Commission's first order granting extension and then closed again. Pathnet's second motion will be regarded as a request to reopen the case to consider the second tariff filing extension as well as to consider approval of the tariff that will be filed.

Pathnet's second motion indicates that it is working together with Staff to provide an acceptable tariff. Pathnet indicates that it has scheduled a meeting with Staff on January 5, 2001, to discuss and attempt to reconcile Staff's concerns with the proposed tariff. Pathnet's certificate of service authority is conditional until such time as it has an effective tariff. The Commission therefore does not see that any interest will be prejudiced in granting the request for a second filing extension. The request is reasonable and will be granted.

In order to assure that issues regarding the proposed tariff are resolved, if Pathnet and Staff have not resolved issues regarding the proposed tariff, Pathnet will be directed to file a status report describing the issues to be resolved and proposing a procedural schedule to address those issues.

IT IS THEREFORE ORDERED:

1. That this case is reopened for the purpose of considering the motion to extend the time to file tariff and that this case will remain open to consider the proposed tariff.

2. That the motion to extend the time to file tariff by Pathnet, Inc., is granted and Pathnet, Inc., shall have until January 31, 2001, to file its initial tariff with a minimum 45-day effective date.

3. That Pathnet, Inc., shall file a status report no later than January 31, 2001, describing the issues to be resolved regarding its proposed tariff and proposing a procedural schedule, or, in the alternative, stating that the issues regarding the proposed tariff are resolved.

4. That this order shall be effective on December 29, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240,
RSMo 1994.

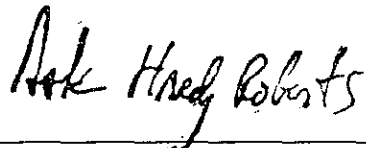
Dated at Jefferson City, Missouri,
on this 19th day of December, 2000.

**STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 19th day of December 2000.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge