

BEFORE THE PUBLIC SERVICE COMMISSION



OF THE STATE OF MISSOURI

In the Matter of the Application of U.S. Telco,)
Inc., for Waiver and/or Variance of Certain) Case No. TO-97-52!
Commission Rules.)
)

ORDER GRANTING INTERVENTION AND DIRECTING FILING OF PROCEDURAL SCHEDULE

U.S. Telco, Inc. (U.S. Telco) filed an application for a certificate of service authority to provide basic local telecommunications service in the State of Missouri in Case No. TA-97-444. U.S. Telco also filed an Application for Waiver and/or Variance of Certain Commission Rules in this case for waivers to be used in association with the basic local services for which it requested certification. The Commission has not yet acted on the company's request for certification in Case No. TA-97-444. The Commission issued an Order and Notice in this case directing parties wishing to intervene to file an application to intervene no later than July 16.

Southwestern Bell Telephone Company (SWBT) filed its application to intervene on June 23, 1997, stating that it has a direct interest in the Commission's decision in this case because it provides basic local exchange services and will be in direct competition with this company if the certificate is granted. SWBT argues that no other party will adequately protect its interests in this matter and that its intervention would be in the public interest because of SWBT's expertise and experience in the telecommunications industry.

The Commission has reviewed the application and finds that it is in substantial compliance with Commission rules regarding intervention and that the applicant has an interest in this matter which is different from that of the general public. The Commission concludes that the request for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include either dates for the filing of testimony and for a hearing, or a date for the filing of a stipulation and agreement. If no party requests a hearing, the Commission may grant the relief requested without a hearing. State ex rel.

Rex Deffenderfer Enterprises, Inc. v. Public Service Comm'n, 776 S.W.2d 494, 496 (Mo. App. 1989).

THEREFORE, IT IS ORDERED:

- 1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).
- 2. That the parties shall file a proposed procedural schedule no later than August 25, 1997. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a stipulation and agreement.
 - 3. That this order shall become effective on the date hereof.

BY THE COMMISSION

Beil July

(S E A L)

Cecil I. Wright Executive Secretary

L. Anne Wickliffe, Deputy Chief Administrative Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1) (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 28th day of July, 1997.