BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In re: the Master Resale Agreement for)
Sprint Missouri, Inc., d/b/a Sprint and)
Now Communications, Inc.)

Case No. TO-2000-257

ORDER DIRECTING NOTICE

On September 29, 1999, Sprint Missouri, Inc. (Sprint) and Now Communications, Inc. (Now Communications) filed a joint application with the Commission for approval of a Master Interconnection and Resale Agreement, executed pursuant to the Federal Telecommunications Act of 1996 (the Act). Sprint and Now Communications state that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it does not discriminate against any telecommunications carrier and is consistent with the public interest, convenience and necessity.

The Act provides that an interconnection 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. 47 U.S.C. 252(e).

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing whether

this agreement meets the federal standards for approval of interconnection agreements. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2D 494, 496 (Mo. App. 1989).

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 and, if there are no requests for a hearing, relief may be granted based on the verified petition. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS THEREFORE ORDERED:

- 1. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.
- 2. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than October 21, 1999 with:

Secretary of the Missouri Public Service Commission Post Office Box 360 Jefferson City, Missouri 65102

and send copies to:

Linda K. Gardner Attorney for Sprint Missouri, Inc. 5454 W. 110th Street Overland Park, Kansas 66211 Brent Stewart Stewart, Keevil, L.L.C. Attorney for Now Communications, Inc. 1001 Cherry Street, Suite 302 Columbia, Missouri 65201

Office of the Public Counsel Post Office Box 7800 Jefferson City, Missouri 65102

- 3. That 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 December 8, 1999.
 - 4. That this order shall become effective on October 12, 1999.

BY THE COMMISSION

Hole Hred Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Morris L. Woodruff, Regulatory 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 1st day of October, 1999.

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COMMISSION COUNSEL PUBLIC SERVICE COMMISSION