

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Adoption of the	)	
GTE/AT&T Communications of the Southwest	)	
Interconnection Agreement by BlueStar	)	<u>Case No. TO-2000-381</u>
Communications, Inc. Pursuant to Section	)	
252(i) of the Telecommunications Act of 1996.	)	

### ORDER DIRECTING NOTICE AND MAKING BLUESTAR COMMUNICATIONS, INC. A PARTY

On December 23, 1999, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed a document entitled Adoption of Interconnection Agreement. The document informed the Commission that BlueStar Communications, Inc. has elected to adopt the terms of the Interconnection Agreement between GTE and AT&T approved by the Commission in Case No. TO-97-63. As the Commission indicated in its Order Denying Motion to Reject and Approving Interconnection Agreement, entered in Case No. TO-99-93, the document filed by GTE will be treated as an application for approval of an interconnection agreement under the terms of Section 252(e)(1) of the Federal Telecommunications Act of 1996 (the Act).

GTE states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to non-party carriers and is consistent with the public interest. GTE also indicates that it does not waive any rights and remedies it has concerning its position as the illegality or unreasonableness of the interconnection terms that have been adopted by

BlueStar. Although BlueStar is a party to the agreement, it did not join in the application. The Commission will make BlueStar a party to this case.

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 January 24, 2000 with:

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

and send copies to:

Tracy D. Pagliara  
Attorney for GTE Midwest Incorporated and  
GTE Arkansas Incorporated.  
601 Monroe Street, Suite 304  
Jefferson City, Missouri 65101-3202

Norton Cutler  
Vice President  
BlueStar Communications, Inc.  
401 Church Street, 24th Floor  
Nashville, Tennessee 37219

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

3. That BlueStar Communications, Inc. is made a party to this case.

4. 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 March 2, 2000.

5. That this order shall become effective on January 14, 2000.

BY THE COMMISSION

*Dale Hardy Roberts*

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

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 4th day of January, 2000.

RECEIVED

JAN 04 2000

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION