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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Adoption by ALLTEL)
Communications, Inc. of an Interconnection)
Agreement between Broadspan Communications,) Case No. TO-2000-674
Inc. d/b/a Primary Networks and)
Southwestern Bell Telephone Company)
under the Telecommunications Act of 1996)

ORDER DIRECTING NOTICE AND MAKING
SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

On April 24, 2000, ALLTEL Communications, Inc. (ALLTEL) requested approval of its adoption of the existing Interconnection Agreement (Agreement) between Broadspan Communications, Inc. d/b/a/ Primary Network Communications (Broadspan) and Southwestern Bell Telephone Company (SWBT) under the provisions of the federal Telecommunications Act of 1996 (the Act).

Although SWBT is a party to the Agreement, it did not join in the application. Because SWBT is a necessary party to a full and fair adjudication of this matter, the Commission will add SWBT as a party to this case.

ALLTEL stated that it is a competitive telecommunications company which was granted a certificate of service authority in Case No. TA-99-298. ALLTEL also stated that the Broadspan-SWBT interconnection agreement was approved by the Commission on August 12, 1998, in Case No. TO-98-518. ALLTEL stated that the interconnection agreement executed between ALLTEL and SWBT is attached to its application as

Exhibit B, and that it includes minor changes only regarding specific company and contact information. The interconnection agreement between ALLTEL and SWBT was executed on April 19 and April 20, 2000. The applicant stated that it believes that implementation of this previously approved interconnection complies fully with Section 252(e) because the adopted agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The applicant also states that this agreement promotes diversity in providers, provides interconnectivity, and increases customer choice for telecommunications providers.

The Act provides that an interconnection or resale 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 the opportunity 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 or resale 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 May 31, 2000, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Brian T. McCartney
Brydon, Swearingen & England, P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102

and

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 therefore no later than June 30, 2000.

4. That this order shall become effective on May 22, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 11th day of May, 2000.