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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of New Edge Network, Inc. for)
Approval of Interconnection Agreement) Case No. TO-2000-803
Under the Telecommunications Act of 1996)

ORDER DIRECTING NOTICE, MAKING SPRINT MISSOURI, INC.
A PARTY AND REQUIRING FILING

On June 6, 2000, New Edge Network, Inc. d/b/a New Edge Networks (New Edge) filed an Application with the Missouri Public Service Commission (Commission) for the approval of an interconnection agreement (the agreement) with Sprint Missouri, Inc. (Sprint) under the provisions of Section 252(e) of the federal Telecommunications Act of 1996 (the Act). New Edge states there are no unresolved issues, the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

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). New Edge requests expeditious approval of the agreement.

Although Sprint is a party to the agreement, it did not join in the application. Because Sprint is a necessary party to a full and fair adjudication, the Commission will make Sprint a party.

Commission Rule 4 CSR 240-2.060(1)(E) requires that if an applicant does business under a fictitious name, a copy of the registration of the fictitious name with the secretary of state must accompany the application. New Edge's application states that New Edge Network, Inc. does business as New Edge Networks. Thus, New Edge's application did not comply with Commission Rule 4 CSR 240-2.060(1)(E) in that a copy of the registration of New Edge Network, Inc.'s fictitious name with the Missouri Secretary of State did not accompany the application. New Edge will be ordered to cure this deficiency.

The Commission finds that proper persons should be allowed twenty (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 ninety (90) days after submission, the agreement shall be deemed approved. Therefore, the Commission will

proceed expeditiously and, if there are no requests for a hearing, relief may be granted based on the 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 Missouri Public Service 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 shall file an application no later than June 26, 2000 with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

and send copies to:

Mark W. Comley, Esq.
Attorney at Law
Newman, Comley & Ruth, P.C.
601 Monroe, Suite 301
Post Office Box 537
Jefferson City, Missouri 65102-0537

Legal Department
Sprint Missouri, Inc.
5454 West 110th Street, 10th Floor
Overland Park, Kansas 66211

and:

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

3. That the Staff of the Missouri Public Service Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than 3:00 p.m. on August 14, 2000.

4. That Sprint Missouri, Inc. is made a party.

5. That New Edge Network, Inc. shall file a copy of the registration of New Edge Network, Inc.'s fictitious name with the Missouri Secretary of State no later than 3:00 p.m. on June 26, 2000.

6. That this order shall become effective on June 26, 2000.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

Bill Hopkins, Senior 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 15th day of June, 2000.