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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Allegiance Telecom, Inc. for Approval)	
of an Interconnection Agreement with)	<u>Case No. TO-2000-202</u>
Southwestern Bell Telephone Company)	
Pursuant to the Telecommunications Act)	
of 1996.)	

ORDER DIRECTING NOTICE
AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

On September 1, 1999, Allegiance Telecom, Inc. (Allegiance) filed an application with the Commission for approval of an interconnection agreement (the Agreement) with Southwestern Bell Telephone Company (SWBT) under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicant stated 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 nonparty carriers and is consistent with the public interest. Allegiance also filed a Motion for Expedited Consideration requesting approval of the Agreement in less than the 90 days allowed.

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.

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 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 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 Southwestern Bell Telephone Company is made a party to this case.

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than September 27, 1999 with:

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

and send copies to:

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201-7931

Anthony K. Conroy
Attorney at Law
One Bell Center, Room 3520
St. Louis, Missouri 63101

and:

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

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 3:00 p.m. on November 10, 1999.

5. That this order shall become effective on September 17, 1999.

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 7th day of September, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION