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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Prism Missouri Operations, LLC)
for Approval of an Interconnection Agreement) Case No. TO-2000-486
under the Telecommunications Act of 1996)

ORDER DIRECTING NOTICE, DIRECTING FILING,
AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

Prism Missouri Operations, LLC (Applicant) filed an Application with the Missouri Public Service Commission (Commission) on February 9, 2000, for approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT) under the provisions of the federal Telecommunications Act of 1996 (the Act). Applicant 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 nonparty carriers and is consistent with the public interest.

Commission Rule 4 CSR 240-2.080(4) states: "One (1) copy of the pleading . . . and a copy of the cover letter shall be served on the public counsel." Applicant did not comply with Commission Rule 4 CSR 240-2.080(4) in that it did not provide a certificate of service with its Application demonstrating that it had served the Office of the Public Counsel. Applicant will be required to comply with this rule.

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).

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

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 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. The Commission will also order that the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor.

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 March 7, 2000 with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

and send copies to:

Renée Roland Crittendon, Esq.
Prism Communication Services, Inc.
Suite 200
1667 K Street, N.W.
Washington, D.C. 20006

Legal Department
Southwestern Bell Telephone Company
One Bell Center, Room 3536
Saint Louis, Missouri 63101

and:

Office of the Public Counsel
P.O. 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 April 17, 2000.

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

5. That Prism Missouri Operations, LLC, shall file, no later than 3:00 p.m. on February 28, 2000, pleadings which demonstrate that it has complied with Commission Rule 4 CSR 240-2.080(4), concerning service upon the Office of the Public Counsel.

6. That this order shall become effective on February 28, 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 16th day of February, 2000.