

B/B

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of GTE)
Midwest Incorporated and GTE Arkansas)
Incorporated for Approval of Interconnection) Case No. TO-2000-534
Agreement with Ciera Network Systems, Inc.)
Pursuant to Section 252(e) of the)
Telecommunications Act of 1996)

ORDER DIRECTING NOTICE
AND MAKING CIERA NETWORK SYSTEMS, INC. A PARTY

On March 2, 2000, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed an Application with the Missouri Public Service Commission (Commission) for the approval of an interconnection agreement (agreement) with Ciera Network Systems, Inc. (Ciera) under the provisions of Section 252(e) 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 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).

GTE states that this agreement is similar in all material respects to other resale agreements which have been previously approved by the Commission. GTE requests expeditious approval of the agreement.

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

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 in this matter shall file an application no later than March 27, 2000 with:

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

and send copies to:

Tracy D. Pagliara, Esq.
GTE Midwest Incorporated
GTE Arkansas Incorporated
601 Monroe Street
Suite 304
Jefferson City, Missouri 65101-03202

Legal Department
Ciera Network Systems, Inc.
Attn: Robert W. Livingston
2630 Fountainview, #300
Houston, Texas 77057

and:

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

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 3:00 p.m., May 9, 2000.

4. That Ciera Network Systems, Inc. is made a party to this case.

5. That this order shall become effective on March 17, 2000.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale H. Roberts". The signature is written in a cursive, slightly slanted style.

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 7th day of March, 2000.