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**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 an	)	<u>Case No. TO-2000-638</u>
Interconnection Agreement with U.S. Dial	)	
Tone, L.P. Pursuant to Section 252(e)	)	
of the Telecommunications Act of 1996.	)	

**ORDER DIRECTING NOTICE**  
**AND MAKING U. S. DIAL TONE A PARTY**

On April 12, 2000, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed an application with the Commission for approval of an interconnection agreement with U.S. Dial Tone, L.P. (U.S. Dial Tone), pursuant to 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 consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

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 U.S. Dial Tone is a party to the agreement, it did not join in the application. The Commission will make U.S. Dial Tone a party to this case.

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 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 9, 2000 with:

Secretary of the Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and send copies to:

Tracy D. Pagliara  
Attorney for GTE Midwest Incorporated and  
GTE Arkansas Incorporated.  
601 Monroe Street, Suite 304  
Jefferson City, Missouri 65101-3202

Bob Mahler  
U.S. Dial Tone, L.P.  
23705 I.H. 10 West, Suite 300  
San Antonio, Texas 78257

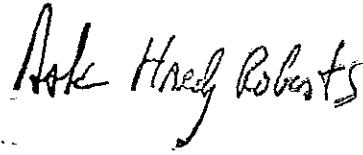
Office of the Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102

3. That U.S. Dial Tone, L.P. is made a party to this case.

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 June 21, 2000.

5. That this order shall become effective on April 27, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Morris L. Woodruff, 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 17th day of April, 2000.