

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Adoption of the Resale)
Agreement by and among Illinois Bell Telephone)
Company, Indiana Bell Telephone Company)
Incorporated, Michigan Bell Telephone Company,)
Nevada Bell Telephone Company, The Ohio Bell) Case No. TO-2000-807
Telephone Company, Pacific Bell Telephone) Tariff No. 200001145
Company, The Southern New England Telephone)
Company, Wisconsin Bell, Inc. d/b/a Ameritech)
Wisconsin and Payroll Advance, Inc.)

ORDER DIRECTING NOTICE AND MAKING
SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

On June 8, 2000, Payroll Advance, Inc. (Payroll) filed an Application with the Missouri Public Service Commission (Commission) for the approval of an interconnection agreement (the agreement) with Illinois Bell Telephone Company, Indiana Bell Telephone Company Incorporated, Michigan Bell Telephone Company, Nevada Bell Telephone Company, The Ohio Bell Telephone Company, Pacific Bell Telephone Company, The Southern New England Telephone Company, Wisconsin Bell, Inc. d/b/a Ameritech Wisconsin (collectively known as Southwestern Bell Telephone Company or SWBT).

Commission rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a . . . specific reference to the statutory provision or other authority under which relief is requested." Payroll's petition did not comply with Commission rule 4 CSR 240-2.080(3) in that it did not

include a specific reference to the statutory provision or other authority under which relief was requested. Thus, on June 15, 2000, Payroll was ordered to file a supplemental pleading which included a specific reference to the statutory provision or other authority under which it requested relief.

On June 23, 2000, Payroll cured the deficiency in its pleading by filing its designation of authority under which relief is requested. Payroll stated that the statutory provision under which it has requested relief is 47 U.S.C. Section 252(e) of the federal Telecommunications Act of 1996 (the Act).

In its application, Payroll stated that the interconnection agreement was being filed pursuant to the report and order effective January 4, 2000, in case number TA-99-405, wherein Payroll was granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri.

Payroll did not state in its application whether there were any unresolved issues, whether the agreement complied with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and whether the agreement was 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).

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, the Commission will make SWBT a party.

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 July 27, 2000 with:

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

and send copies to:

William Clayton Vandivort, Esq.
Attorney at Law
Dement, Vandivort & Dement
Post Office Box 158
316 S. Kingshighway
Sikeston, Missouri 63801

Legal Department
Southwestern Bell Telephone Company
One Bell Center, Room 3516
Saint Louis, Missouri 63101

and:

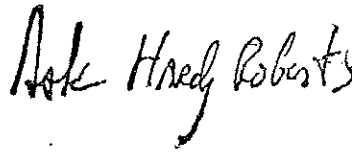
Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102-7800

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 15, 2000.

4. That Southwestern Bell Telephone Company is made a party.

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

BY THE COMMISSION

A handwritten signature in black 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
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 7th day of July, 2000.