

WKB

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of QWEST)
COMMUNICATIONS CORPORATION, for a Certificate)
of Authority to Provide Basic Local and Local) Case No. TA-2000-309
Exchange Intrastate Telecommunications)
Services within the State of Missouri.)

ORDER GRANTING INTERVENTION
AND DIRECTING FILING

QWEST COMMUNICATIONS CORPORATION (QWEST) applied to the Commission on October 29, 1999, for a certificate of service authority to provide competitive basic local and local exchange telecommunications services in the State of Missouri pursuant to Sections 392.430, 392.440, RSMo 1994, and 392.450 and 392.451, RSMo Supp. 1998. QWEST requested competitive classification and an order waiving certain Commission rules and statutory provisions pursuant to the federal Telecommunications Act of 1996. QWEST seeks to provide its services throughout all exchanges currently served by the incumbent local exchange telecommunications companies of Southwestern Bell Telephone Company (SWBT), Sprint/United Telephone Company (Sprint), and GTE Midwest, Inc. (GTE).

The Commission issued a notice and schedule of applicants on November 2, 1999, directing interested parties wishing to intervene to do so by December 2, 1999. SWBT filed a timely application to intervene on December 1, 1999. No one else sought to intervene. SWBT states that it is a Missouri corporation duly authorized to conduct business in Missouri.

SWBT states that it is a "local exchange telecommunications company" and a "public utility," as each of those phrases is defined in Section 386.020, RSMo Supp. 1998, and is authorized to provide telecommunications services in Missouri. SWBT states that QWEST's basic local and local telecommunications services will be offered in direct competition with SWBT if QWEST's application is granted. SWBT also states that it has a direct interest in the Commission's decision on QWEST's application and that intervention is necessary to protect SWBT's interests. SWBT further states that its interests as a provider of basic local exchange telecommunications service differ from those of the general public so that no other party can adequately protect SWBT's interest. SWBT also asserts that its intervention is in the public interest because SWBT will bring its extensive expertise and experience as a telecommunications provider.

The Commission has reviewed the application of SWBT and finds that it is in substantial compliance with Commission rules regarding intervention (i.e., 4 CSR 240-2.075¹) and that SWBT has an interest in this matter that is different from that of the general public. The Commission concludes that this request for intervention should be granted.

To move this case forward, the parties should file a proposed procedural schedule. The procedural schedule must include dates for the filing of testimony and for a hearing. In lieu of filing a procedural

¹ This rule was not cited by SWBT. 4 CSR 240-2.060(1)(D) states in part that all applications shall include "[r]eference to the . . . authority under which relief is requested."

schedule the parties may file a Stipulation and Agreement or QWEST may file a notice stating a date certain that a Stipulation and Agreement will be filed if such is imminent. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That the parties shall file a proposed procedural schedule no later than January 7, 2000. In lieu of a proposed procedural schedule the parties may file a Stipulation and Agreement or QWEST COMMUNICATIONS CORPORATION may file a notice stating that such an agreement will be filed by a date certain.

3. That this order shall become effective on December 8, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 8th day of December, 1999.

R E C E I V E D

DEC 06 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION