

A:

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) Case No. TO-2000-190
Interconnection Agreement with Now)
Communications, Inc. Pursuant to)
Section 252(e) of the Telecommunications)
Act of 1996.)

ORDER DIRECTING NOTICE
AND MAKING NOW COMMUNICATIONS, INC. A PARTY

On August 26, 1999, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed an application with the Commission for approval of an interconnection agreement with Now Communications, Inc. (Now Communications), 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 not discriminatory to non-party 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).

Although Now Communications is a party to the agreement, it did not join in the application. The Commission will make Now Communications 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 September 20, 1999 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

Larry Seab
Now Communications, Inc.
713 Country Place Drive
Jackson, Mississippi 39208-6619

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

3. That Now Communications, Inc. 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 November 3, 1999.

5. That this order shall become effective on August 30, 1999.

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 30th day of August, 1999.

RECEIVED

AUG 30 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION