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On December 23, 1999, GTE Midwest Incorporated and GTE Arkansas Incorporated (collectively GTE) filed a pleading entitled Adoption of Interconnection Agreement. The pleading indicated that BlueStar Communications, Inc. (BlueStar) intended to adopt the interconnection agreement between GTE and AT&T Communications of the Southwest as permitted by Section 252(i) of the Telecommunications Act of 1996 (the Act). On January 4, 2000, the Commission issued an order making BlueStar a party in this case and directing that any party wishing to request a hearing or participate without intervention do so no later than January 24. No applications to participate or requests for hearing were filed. The requirement for a hearing is met when the opportunity for a hearing 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). Since no one has asked permission to participate or requested a hearing in this

case, the Commission may grant the relief requested based on the verified application.

Discussion

On February 4, 2000, the Staff of the Public Service Commission (Staff) filed a Staff Recommendation and Memorandum that recommends that the Commission approve the adoption of the submitted interconnection agreement. Staff recommended approval of the adoption of the agreement provided that all modifications to the agreement are submitted to the Commission for approval.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

The Commission has considered the application and the supporting documentation, including Staff's recommendation. Based upon that review, the Commission has concluded that the Commission approved the agreement that is being adopted in its July 22, 1998 order issued in Case No. TO-97-63. The Commission also finds that adoption of this agreement is appropriate under the provisions of Section 252(i) of the Act. The Commission finds that approval of the adoption of the agreement should be conditioned upon the parties submitting any modifications or amendments to the Commission for approval pursuant to the procedure set out below.

Modification Procedure

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act. 47 U.S.C. §252. In order for the Commission's review and approval to be effective, the Commission must also review and approve modifications to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection. 47 U.S.C. §252(h). This duty is in keeping with the Commission's practice under its own rules requiring telecommunications companies to keep their rate schedules on file with the Commission. 4 CSR 240-30.010.

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

The parties are required to provide the Telecommunications Staff with a copy of the resale or interconnection agreement with the pages numbered consecutively in the lower right-hand corner. The copy of the agreement submitted with the application meets this requirement. Modifications to an agreement must be submitted to the Staff for review. When approved, the modified pages will be substituted in the agreement, which should contain the number of the page being replaced in the lower

right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The Telecommunications Staff will maintain the official record of the original agreement and all the modifications made in the Commission's tariff room.

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the modification will be approved once Staff has verified that the provision is an approved provision, and prepared a recommendation advising approval. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The adoption by BlueStar of the agreement is appropriate under the provisions of Section 252(i) of the federal Telecommunications Act of 1996.

IT IS THEREFORE ORDERED:

1. That the adoption by BlueStar Communications, Inc. of the Interconnection, Resale and Unbundling Agreement between GTE Midwest Incorporated and AT&T Communications of the Southwest, Inc., is approved.
2. That any changes or modifications to this agreement shall be filed with the Commission for approval pursuant to the procedure outlined in this order.
3. That this order shall become effective on February 22, 2000.
4. That this case may be closed on February 23, 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 10th day of February, 2000.