

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 28, 2000**

CASE NO: TA-2000-335

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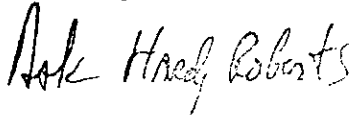
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Metromedia Fiber Network Services, Inc.
One North Lexington Avenue
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Metromedia Fiber Network Services, Inc.)	
for a Certificate of Service Authority to)	
Provide Local and Interexchange)	<u>Case No. TA-2000-335</u>
Telecommunications Service in Portions of)	
the State of Missouri and to Classify said)	
Services and the Company as Competitive)	

ORDER GRANTING INTERVENTION
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

Metromedia Fiber Network Services, Inc. (MFNS) applied to the Missouri Public Service Commission (Commission) on November 18, 1999, for a certificate of service authority to provide telecommunications services in Missouri under Section 392, RSMo 1994¹, and RSMo Supp. 1998. MFNS asked the Commission to classify it and its services as competitive and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420.

The Commission issued a Notice of Deficiency on December 14, 1999, because MFNS' application did not contain a clear and concise statement of the relief it was requesting in violation of Commission Rule 4 CSR 240-2.060(1)(E), due to three deficiencies: (1) MFNS did not include a brief statement of the character of its business in its application; (2) MFNS did not make clear what kind of telecommunications

¹ All statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

services it was requesting; and (3) MFNS did not make clear whether it was asking for its company or its services to be classified as competitive. On January 14, 2000, MFNS filed its petition to amend its application for a certificate of service authority and for competitive classification. MFNS stated that the character of its business was set forth in an attachment to its application and that business is a facilities-based provider of technologically advanced telecommunications. MFNS stated that it sought to provide local exchange telecommunications services. MFNS stated that it was requesting that its company be classified as competitive. The petition to amend filed by MFNS will be granted, except for the part of the petition which states that MFNS desires part of paragraph nine of its original application to include language concerning a ". . . proposed tariff with a 45 day effected (sic) date. . . ." That language will be changed to read ". . . a 45 day effective date. . . ."

The Commission issued a Notice of Applications for Certificates of Service Authority and Opportunity to Intervene on November 23, 1999, directing parties wishing to intervene to file their requests on the intrastate interexchange portion of the application by November 24, 1999, and on the basic local portion of the application by December 23, 1999².

Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene on December 8, 1999. SWBT states that it is a

² Both types of notices were issued due to the unclear application originally filed. The petition to correct its application removed MFNS' request for a certificate for basic local service.

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, and is authorized to provide telecommunications services in Missouri. SWBT states that MFNS's telecommunications services will be offered in direct competition with SWBT if MFNS's application is granted. SWBT also states that it has a direct interest in the Commission's decision on MFNS's application, but that SWBT does not have sufficient information either to support or oppose MFNS's application. 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 states that its intervention is in the public interest because SWBT will bring its extensive expertise and experience as a telecommunications provider.

Commission Rule 4 CSR 240-2.080(12) states, "Parties shall be allowed ten (10) days from the date of filing in which to respond to any motion or other pleading unless otherwise ordered by the commission." Thus, MFNS' opposition to SWBT's intervention, which was filed on January 14, 2000, will be overruled since it was filed out of time.

The Commission has reviewed the application of SWBT and finds that it is in substantial compliance with Commission rules regarding intervention (i.e., Commission Rule 4 CSR 240-2.075) 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 and that the parties should file a proposed procedural schedule. The procedural schedule shall include dates for the filing of testimony and for a hearing. 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 Commission Rule 4 CSR 240-2.075(4).

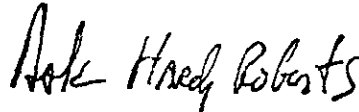
2. That the Petition to Amend Application for Certificate of Service Authority and for Competitive Classification filed by Metromedia Fiber Network Services, Inc. on January 14, 2000, is granted as set forth above.

3. That the parties shall file a proposed procedural schedule no later than February 14, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

4. That the Opposition to the Application to Intervene by Southwestern Bell Telephone Companies filed by Metromedia Fiber Network Services, Inc. on January 14, 2000, is denied since it was filed out of time.

5. That this order shall become effective on February 7, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 28th day of January, 2000.

FYI: To Be Issued By Delegation

Atty/Sec'y: Hopkins/Boyer

Date Circulated 1-26 Return by 3 p.m.
10 a.m.

CASE NO. TH-2000-335 (Recirculated)

[Signature]
Lump, Clerk

[Signature]
Crimpton, Commissioner

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Drainer, Vice-Chair

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 28TH day of January 2000.

[Signature: Dale Hardy Roberts]

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

