

22

Case No. TO-2000-261

## ORDER AND NOTICE

SBC Advanced Solutions, Inc. (Applicant) filed an Application with the Commission on September 30, 1999, for approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT) under the provisions of the Federal Telecommunications Act of 1996 (the Act). Applicant 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 nonparty 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 SWBT is a party to the agreement, it did not join in the application. The Commission will make SWBT 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 October 27, 1999 with:

Dale H. Roberts, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri, 65102

and send copies to:

James M. Fischer, Esq.  
James M. Fischer, P.C.  
101 West McCarty  
Suite 215  
Jefferson City, Missouri 65101

Legal Department  
Southwestern Bell Telephone  
One Bell Center, Room 3536  
Saint Louis, Missouri 63101

and:

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

3. 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 December 9, 1999.

4. That Southwestern Bell Telephone Company is made a party to this case.

5. That this order shall become effective on October 18, 1999.

BY THE COMMISSION



Dale H. Roberts  
Chief Regulatory Law Judge/Secretary

(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 7th day of October, 1999.

RECEIVED  
OCT 07 1999  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION