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CASE NO. TM-97-528

## ORDER AND NOTICE

Southwestern Bell Telephone Company (Southwestern Bell) and Rock Port Telephone Company (Rock Port) (jointly referred to as Applicants) filed a joint application on June 10, 1997, with the Commission requesting authority for Southwestern Bell to sell its South Hamburg Exchange to Rock Port. The South Hamburg Exchange is located in the northern portion of Atchison County, Missouri, along the Iowa border. Applicants request Commission approval no later than June 30, 1997, so that Rock Port may build facilities during this summer's construction season. Although the Commission will act as expeditiously as possible, approval will not occur until after notice and an opportunity to intervene is given as provided in this Order and Notice.

Both Southwestern Bell and Rock Port are Missouri corporations, and both are local exchange telecommunications companies and public utilities as defined in Section 386.020, RSMo Supp. 1996. Southwestern Bell's principal office is located at One Bell Center, St. Louis, Missouri 63101. Rock Port's principal place of business is located at 107 Opp Street, P.O. Box 147, Rock Port, Missouri 64482.

Southwestern Bell and Rock Port state in their application that the proposed transaction is in the public interest because the South Hamburg Exchange can be more economically and efficiently served by Rock

Port. Although the exchange is physically located in Missouri, the exchange is currently served by U.S West's Hamburg, Iowa central office pursuant to a 1942 contract between Southwestern Bell and Northwestern Bell. Applicants state that the residents of South Hamburg share a community of interest with Rock Port, Missouri, where the Rock Port Telephone Company already provides local exchange service. Rock Port Telephone Company has committed to retaining existing service offerings, including one-way Extended Area Service into Hamburg, Iowa, and to decreasing local rates by one dollar for a period of two to five years. According to the application, customers have been advised of the proposed sale and have expressed no opposition, and Applicants have discussed the proposed sale with the Staff of the Commission (Staff) and with the Office of the Public Counsel.

Attached to the joint application is a copy of the agreement entered into by Applicants for the transfer of ownership and responsibility of the South Hamburg Exchange from Southwestern Bell to Rock Port. The application states that the sale has received appropriate authorizations within each company. The following items are also attached to the joint application: certified copies of the articles of incorporation for each company; a map of the location of the exchange; correspondence from the Staff of the Commission indicating Staff's favorable preliminary view of the proposed sale; a copy of Judge Harold T. Greene's Order from the United States District Court for the District of Columbia approving transfer of the South Hamburg Exchange from the Omaha, Nebraska LATA to the Kansas City, Missouri LATA; a copy of the order from the Federal Communications Commission approving waiver so that Southwestern Bell could eliminate the South Hamburg exchange from its Missouri study area and Rock Port could add South Hamburg to its existing study area; and Rock Port's balance sheet and

income statement with adjustments showing the results of the acquisition of the property.

The Commission is of the opinion that: (a) the Commission's Information Officer should send a notice of this order to the publisher of each newspaper located in the County of Atchison, as listed in the newspaper directory of the current **Official Manual of the State of Missouri**, and to members of the Missouri General Assembly representing the County of Atchison; and that (b) the Records Department of the Commission shall serve a copy of this order upon the presiding commissioner of Atchison County and the mayors of all the municipalities within the South Hamburg Exchange.

The Commission also finds that proper parties should be given an opportunity to intervene in this case. Applications to intervene shall be filed with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, on or before July 14, 1997. Copies of the application to intervene should be sent to :

Paul G. Lane, General Attorney  
Leo J. Bub, Attorney  
Anthony K. Conroy, Attorney  
Diana J. Harter, Attorney  
Southwestern Bell Telephone Company  
100 North Tucker, Room 630  
St. Louis, Missouri 63101-1976

Walter Mulvania  
Attorney for Rock Port Telephone Company  
213 South Main Street  
Rock Port, Missouri 64482-0147

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity files an application to intervene and neither the Commission's Staff nor the Office of the Public Counsel

requests a hearing, the Commission may determine that a hearing is not necessary and may grant relief base upon the verified application. **State ex rel. Deffenderfer Enterprises, Inc. v. P.S.C.**, 776 S.W.2d 494, 496 (Mo. App. 1989).

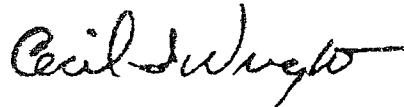
**IT IS THEREFORE ORDERED:**

1. That the Information Office and the Records Department of the Missouri Public Service Commission shall provide notice as set out herein.

2. That any interested party wishing to intervene in this case shall file an application to do so no later than July 14, 1997. Such applications shall be filed with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and copies shall be served upon the Applicants' representatives as set forth herein.

3. That this order shall become effective on the date hereof.

**BY THE COMMISSION**



**Cecil I. Wright  
Executive Secretary**

(S E A L)

Gregory T. George, Administrative  
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 13th day of June, 1997.