

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 30, 1999**

CASE NO: TO-2000-261

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

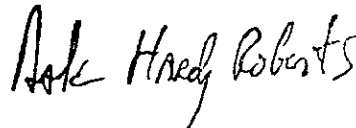
**Paul G. Lane/Leo J. Bub/ Katherine C. Swaller/
Anthony K. Conroy**
Southwestern Bell Telephone Company
One Bell Center, Room 3536
St. Louis, MO 63101

James M. Fischer
101 West McCarty Street, Suite 215
Jefferson City, MO 65101

Carl J. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 30th
day of November.

In the Matter of the Application of SBC)
Advanced Solutions, Inc. for Approval of an)
Interconnection Agreement with Southwestern) Case No. TO-2000-261
Bell Telephone Company)

ORDER DENYING APPLICATION TO INTERVENE

On September 30, 1999, SBC Advanced Solutions, Inc. (ASI) filed with the Missouri Public Service Commission (Commission) an application for the approval of its interconnection agreement with Southwestern Bell Telephone Company (SWBT). The Commission issued an Order and Notice on October 7, 1999, which included, *inter alia*, a notice that participation without intervention may be permitted only for the limited purpose of filing comments addressing whether this agreement meets the federal standards for approval of interconnection agreements. The Order and Notice also established that the deadline to apply for participation without intervention was October 27, 1999; no applications were received on or before that date.

On November 9, 1999, MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc., and MCI WorldCom Communications, Inc. (collectively referred to as Intervenors) filed an application for participation without intervention. The application

recognized that the Commission established an intervention deadline of October 27, 1999. However, the Intervenors sought leave to late-file their application.

On November 18, 1999, ASI filed its opposition to the Intervenors' late-filed application to participate without intervention. ASI stated that the Intervenors had not stated good cause for their late-filing. ASI also stated that in ASI's companion certificate proceeding under case number TA-2000-260, the Commission denied a similar request for late-filed intervention by the Intervenors. ASI stated that the Intervenors stated that the Commission's decision may adversely affect them; however, ASI continued, "...it is difficult to understand how ASI's Interconnection Agreement could adversely affect [the Intervenors] since [they] have negotiated their own interconnection agreements with [SWBT] and the Commission has approved those agreements."

Also on November 18, 1999, SWBT filed its opposition to the Intervenors' application to participate without intervention. SWBT stated that the Intervenors had not stated good cause for their late-filing. SWBT also stated that if the Commission granted the Intervenors' application, this would only further delay this proceeding. SWBT stated that the "...Commission has recently denied a similar request for late-filed intervention by [the Intervenors] in...ASI's local exchange certification proceeding, a proceeding in which there [is] no time deadline" as there is in this case.

Commission Rule 4 CSR 240-2.075(4)(D) provides that "[a]pplications to intervene filed after the intervention date set by the

commission may be granted upon a showing of good cause." The only excuse offered by the Intervenor for their failure to request participation without intervention in a timely fashion is that they "were unaware of the deadline due to personnel absence." The Intervenor also stated that there "...is good cause to grant this late application to allow a full exploration of the issues raised by this very unique (*sic*) application." Not only did the Intervenor fail to state good cause, it is apparent that they are unaware of the limited nature of participation without intervention as set forth above.

The Intervenor's application to participate without intervention was not timely filed and the Intervenor has failed to show good cause to permit their participation. The application to participate without intervention will be denied.

IT IS THEREFORE ORDERED:

1. That MCImetro Access Transmission Services, LLC's, Brooks Fiber Communications of Missouri, Inc.'s, and MCI WorldCom Communications, Inc.'s Application for Participation without Intervention is denied.

2. That this order shall become effective on December 10, 1999.

BY THE COMMISSION


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Hopkins, Senior Regulatory Law Judge

ALJ/Sec'y:

Hopkins/Bryce

11-24
Date Circulated

TD-2000-261
CASE NO.

SL
Lumpe, Chair

CP
Crumpton, Commissioner

am
Murray, Commissioner

BS
Schemenauer, Commissioner

mdg
Drainer, Vice-Chair

11-30
Agenda Date

Action taken: 5-0 AS

Must Vote Not Later Than _____

**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 30th day of November 1999.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

