

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 13, 2000**

CASE NO: TO-2000-407

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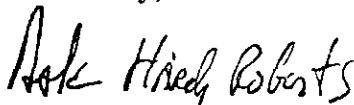
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Jeanne A. Fischer, Attorney
Southwestern Bell Wireless, Inc.
13075 Manchester Road
St. Louis, MO 63131

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Southwestern Bell Wireless,)
Inc. and TDS Telecom, Inc. for approval of)
an Interconnection Agreement under the) Case No. TO-2000-407
Telecommunications Act of 1996)

ORDER DIRECTING FILING

Southwestern Bell Wireless, Inc. (SWBW) and TDS Telecom, Inc. (TDS) (collectively, Applicants) filed their Application with the Missouri Public Service Commission (Commission) on January 6, 2000, "...for Approval of [an] Interconnection Agreement between SWBW and TDS under the Telecommunications Act of 1996...."

The first major subsection of the application is entitled, "I. INTERCONNECTION AGREEMENT REACHED." The Applicants stated that an interconnection agreement had been reached and had been attached as Attachment I. In fact, the Applicants repeatedly referred to this Agreement as an interconnection agreement and stated that the Applicants were requesting approval thereof.

Then, on page three of the application, the Applicants stated, under the fifth major subsection entitled "V. EXEMPTIONS," that

[t]he Applicants also ask the Commission to note Section 13.0 of the Agreement which states, "This Agreement is not an interconnection agreement under 47 USC 251(c). The parties acknowledge that TDS is entitled to a rural exemption as provided by 47 USC 251(f) and TDS does not waive such exemption." If the Commission should determine that the Agreement does not fall under its jurisdiction, then

Applicants ask that the Agreement be returned to counsel for SWBW and TDS.

Immediately after this paragraph, the Applicants stated, under the sixth major subsection entitled "VI. CONCLUSION," that, "[f]or the reasons set forth above, SWBW and TDS respectfully request that the Commission approve the Agreement expeditiously."

Commission Rule 4 CSR 240-2.060(D) states that all applications shall include a "[r]eference to the statutory provision or other authority under which relief is requested...." Applicants, in fact, cited different parts of 47 USC 251, which are part of what is commonly called the Telecommunications Act of 1996. The Commission is quite familiar with this Act; however, it is unclear how the sections cited by the Applicants relate to the application. Thus, there was no proper and clear reference to the statutory provision or other authority under which relief is requested as required by Commission Rule 4 CSR 240-2.060(D).

Commission Rule 4 CSR 240-2.060 (E) states that all applications shall include "[a] clear and concise statement of the relief requested." There was no prayer in the application, a requisite part of any pleading in which a moving party requests a court or administrative body to do something. Thus, there was no clear and concise statement of the relief requested in the Application as required by Commission Rule 4 CSR 240-2.060(E).

The Applicants, in their joint application, requested the Commission to approve "an interconnection agreement" which "...is not an interconnection agreement...." The Application is, at best, ambiguous.

The Commission will order SWBW and TDS to file suggestions in support of their application, explaining specifically what relief that they request, and the authority that they believe the Commission has to grant that relief.

IT IS THEREFORE ORDERED:

1. That the Southwestern Bell Wireless, Inc. and TDS Telecom, Inc. shall file, no later than January 24, 2000, at 3:00 p.m., suggestions in support of their application, explaining what relief that they request, and the authority that they believe the Missouri Public Service Commission has to grant that relief.

2. That this order shall become effective on January 24, 2000.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

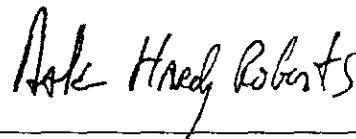
Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 13th day of January, 2000.

**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 13TH day of January 2000.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

