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telecommunication carriers and is consistent with the public interest. The applicant requests expeditious approval of the agreement.

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. Section 252(e).

Although Southwestern Bell is a party to the agreement, it did not join in the application. The Commission will make Southwestern Bell 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 December 28, 1999, with:

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

and send copies to:

Mark W. Comley  
Attorney for OMNIPLEX COMMUNICATIONS GROUP, LLC  
Newman, Comley & Ruth, P.C.  
Post Office Box 537  
601 Monroe Street  
Jefferson City, Missouri 65102-0537

Paul G. Lane  
Leo J. Bub  
Anthony K. Conroy  
Katherine C. Swaller  
Attorneys for Southwestern Bell Telephone Company  
One Bell Center, Room 3536  
St. Louis, Missouri 63101-1976

and:

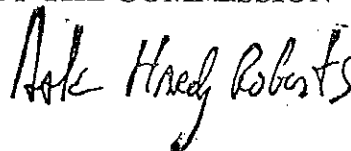
Office of the Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102

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

4. 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 January 12, 2000

5. That this order shall become effective on December 21, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 8th day of December, 1999.

**RECEIVED**  
DEC 03 1999  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION