

NW

In the Matter of the Application of)
Snappy Phone of Texas, Inc., d/b/a Snappy)
Phone for Approval of an Interconnection) Case No. TO-2000-768
Agreement Under the Telecommunications)
Act of 1996)

**ORDER DIRECTING NOTICE
AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY**

On May 19, 2000, Snappy Phone of Texas, Inc., d/b/a Snappy Phone (Snappy Phone) filed an application with the Commission for approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT). Snappy Phone states that there are no unresolved issues and that the agreement complies with Section 252(i) of the Telecommunications Act of 1996 (the Act) because it is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Snappy Phone 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 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 June 14, 2000 with:

Secretary of the Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Richard S. Brownlee, III
Hendren and Andrae, L.L.C.
Post Office Box 1069
Jefferson City, Missouri 65102
ATTORNEY FOR SNAPPY PHONE

Legal Department
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 July 28, 2000.

5. That this order shall become effective on June 5, 2000.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, Regulatory
Law Judge by delegation of
Authority pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 25th day of May, 2000.

RECEIVED
MAY 25 2000

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION