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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Sprint Communications Company) L.P.'s Petition for Arbitration of) Interconnection Rates, Terms, Conditions and) Related Arrangements with GTE Midwest) Incorporated.))	<u>Case No. TO-97-124</u>
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ORDER AND NOTICE

The Commission issued an Order Granting Extension of Time to File Interconnection Agreement on July 20. This Order directed Sprint to either file an interconnection agreement as directed by the Arbitration Order issued January 15, 1997, or file a motion to elect an interconnection agreement which has been approved by the Commission. Sprint Communications Company L.P. (Sprint) filed a pleading entitled "Sprint Communications Company L.P.'s Application for Election of Interconnection Agreement" (Application) on September 1, 1998, for approval of an interconnection agreement under the provisions of the federal Telecommunications Act of 1996 (the Act). Sprint's Application states that Sprint hereby notifies the Commission of its intention to elect the interconnection agreement approved by the Commission between GTE Midwest Incorporated (GTE) and AT&T Communications of the Southwest, Inc. (AT&T) in Case No. TO-97-63. Sprint attached to its Motion a copy of the interconnection agreement that the Commission approved between GTE and AT&T in Case No. TO-97-63.

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. § 252(e).

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 November 19, 1998, with:

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

and send copies to:

Kenneth A. Schiffman, Esq.
Sprint Communications Company L.P.
8140 Ward Parkway, 5E
Kansas City, Missouri 64114

and

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

3. 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 November 23, 1998.

4. That this order shall become effective on October 30, 1998.

BY THE COMMISSION

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

(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Vicky Ruth, 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 30th day of October, 1998.