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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In re: the Commercial Mobile Radio	)	
Services (CMRS) Interconnection	)	
Agreement of Sprint Missouri, Inc.	)	<b><u>Case No. TO-99-214</u></b>
d/b/a ) Sprint and Aerial	)	
Communications, Inc.	)	

**ORDER AND NOTICE**

Sprint Missouri, Inc., d/b/a Sprint (Sprint) and Aerial Communications, Inc. (Aerial) filed a joint Application with the Commission on November 12, 1998, for approval of an interconnection agreement under the provisions of the Federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to non-party carriers and is consistent with the public interest. The applicants request 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. § 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 ninety 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 9, 1998 with:

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

and send copies to:

Linda K. Gardner  
5454 W. 110<sup>th</sup> Street  
Overland Park, Kansas 66211  
Attorney for Sprint Missouri, Inc. d/b/a Sprint

Paul DeFord  
Lathrop & Gage LC  
2345 Grand Blvd., Suite 250  
Kansas City, Missouri 64108  
Attorney for Aerial Communications, Inc.

Office of Public Counsel  
P.O. 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 January 21, 1999.

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

BY THE COMMISSION



Dale H. Roberts  
Chief Regulatory Law Judge/Secretary

(S E A L)

Morris L. Woodruff, 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 19th day of November, 1998.