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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of )  
Comm South Companies, Inc., doing )  
business as Missouri Comm South, Inc., ) Case No. TO-99-477  
for Approval of an Interconnection )  
Agreement under the Telecommunications )  
Act of 1996. )

**ORDER DIRECTING NOTICE AND**  
**ADDING A PARTY**

On April 21, 1999, Comm South Companies, Inc., doing business as Missouri Comm South, Inc., (Applicant), filed an application with the Commission seeking approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT) under the provisions of the federal Telecommunications Act of 1996 (the Act). Although SWBT is a party to the interconnection agreement, it did not join in the application. Because SWBT is a necessary party to a full and fair adjudication of this matter, the Commission will add SWBT as a party to this case.

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

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than May 17, 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, Esq.  
Newman, Comley & Ruth  
601 Monroe Street, Suite 301  
Jefferson City, Missouri 65101

Paul G. Lane, Esq.  
Southwestern Bell Telephone Company  
One Bell Center, Room 3520  
St. Louis, Missouri 63101-1976

and:

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

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 June 14, 1999.

5. That this order shall become effective on May 11, 1999.

BY THE COMMISSION

( S E A L )



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

Kevin A. Thompson, Deputy Chief  
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 27th day of April, 1999.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION