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Case No. T0-99-558

AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

The applicants argued that the Commission should approve the connection agreement as it does not discriminate against any telecommunications carrier and is consistent with the public interest. The applicants requested that the Commission approve the

submitted agreement within 30 days under Section 252(e) of the Act. The Applicants imply that Section 252(e) requires the Commission to issue its approval within 30 days. Section 252(e) does not include such a requirement.

The Commission, under the provisions of Section 252 (e) of the federal Telecommunications Act of 1996, has authority to approve an interconnection or resale agreement between an incumbent local exchange service and a new provider of basic local exchange service, arrived at through either negotiation under subsection (a) or arbitration under subsection (b) of Section 252. If an agreement is not specifically arbitrated under the provisions of subsection (b), then it must be a negotiated agreement between the parties regardless of whether the agreement is arrived at through adoption of a previously approved agreement pursuant to Section 252(i) or through new negotiations. Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement reached by negotiation 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.

Although SWBT is a party to the 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 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). 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 June 17, 1999 with:

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

and send copies to:

Paul S. DeFord
Lathrop & Gage L.C.
2345 Grand Boulevard
Kansas City, Missouri 64108

Kevin K. Zarling
TCG St. Louis, Inc. and TCG Kansas City, Inc.
919 Congress Avenue, Suite 900
Austin, Texas 78701-2444

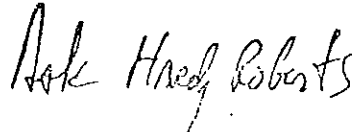
and:

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 July 23, 1999.

5. That this order shall become effective on June 7, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Register, 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 28th day of May, 1999.

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MAY 28 1999
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION