

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
March 13, 2002**

CASE NO: TO-2002-416

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

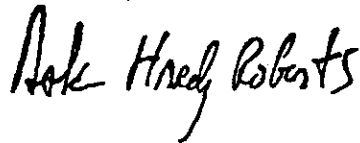
Lisa Creighton Hendricks
Sprint
5454 West 110th Street
Overland Park, KS 66211

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Alex Valencia
Preferred Carrier Services, Inc.
14681 Midway Road, Suite 105
Addison, TX 75001

Enclosed find a certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copies:

To all interexchange and local exchange telecommunications companies

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In re: The Master Resale Agreement Between
Sprint Missouri, Inc., d/b/a Sprint, and
Preferred Carrier Services, Inc.

} Case No. TO-2002-416

ORDER DIRECTING NOTICE AND
ORDER MAKING PREFERRED CARRIER SERVICES, INC. A PARTY

This order requires the Data Center to send notice, makes Preferred a party to the case, sets an intervention date, and requires the Staff to file a memorandum.

On March 8, 2002, Sprint Missouri, Inc., d/b/a Sprint, filed an application with the Missouri Public Service Commission for approval of an interconnection agreement (i.e., a master resale agreement) with Preferred Carrier Services, Inc. under the provisions of the federal Telecommunications Act of 1996. Sprint states 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 nonparty carriers and is consistent with the public interest.

Although Preferred is a party to the agreement, it did not join in the application. Because Preferred is a necessary party to a full and fair adjudication of this matter, the Commission will add Preferred as a party to this case.

The Act provides that an interconnection or resale 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.¹

¹ 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. The *Deffenderfer* case held that 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.²

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement will 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 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 Data Center of the Missouri Public Service Commission must send notice to all interexchange and local exchange telecommunications companies.
2. That Preferred Carrier Services, Inc. is made a party to this case.
3. That any party wishing to request a hearing must do so by filing a pleading no later than April 2, 2002, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

and send copies to:

Lisa Creighton Hendricks, Esq.
5454 West 110th Street
Overland Park, Kansas 66211

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

Alex Valencia
Regulatory Counsel
Preferred Carrier Services, Inc.
14681 Midway Road, Suite 105
Addison, Texas 75001

and:

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

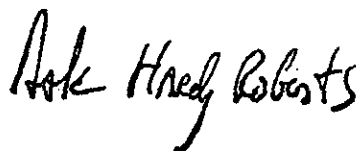
4. That the Staff of the Missouri Public Service Commission must file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than April 12, 2002.

5. That all pleadings must be filed in paper form. After the paper copies of the pleadings are properly filed, however, all parties are also encouraged to file copies of their pleadings electronically. Electronically-submitted documents may be provided on computer disk or submitted by e-mail to the law judge at bhopkins@mail.state.mo.us in a file saved in Word, WordPerfect, or ASCII format with an extension of *.doc, *.wpd, or *.txt. (Copies of exhibits, attachments, schedules, etc., need not be sent electronically; only pleadings should be sent electronically.)

6. That this order will become effective on March 23, 2002.

BY THE COMMISSION

(SEAL)



Dale Hardy Roberts
Secretary/Chief Law Judge

Bill Hopkins, Senior Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of March, 2002.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 13th day of March 2002 .



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge