

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 10, 2000**

CASE NO: TO-2001-75

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

Brian T. McCartney
Brydon, Swearingen & England
312 E. Capitol Avenue, PO Box 456
Jefferson City, MO 65102

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

David Wigginton
Universal Telecom, Inc.
105 E. Adams Street, Bldg 2, Suite 200
PO Box 679
LaGrange, KY 40031

Enclosed find 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

Application of TDS Telecommunications Corporation for Approval of an Interconnection Agreement under the Telecommunications Act of 1996))))	<u>Case No. TO-2001-75</u>
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ORDER DIRECTING NOTICE
AND MAKING UNIVERSAL TELECOM, INC. A PARTY

On August 8, 2000, TDS Telecommunications Corporation (TDS) filed an application with the Commission for approval of an interconnection agreement with Universal Telecom, Inc. (Universal) under the provisions of the federal Telecommunications Act of 1996 (the Act). TDS 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. TDS requests expeditious approval of the agreement.

Although Universal is a party to the agreement, it did not join in the application. Because Universal is a necessary party to a full and fair adjudication of this matter, the Commission will add Universal 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. 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 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 Universal Telecom, Inc. is made a party to this case.
3. That any party wishing to request a hearing shall do so by filing a pleading no later than August 30, 2000 with:

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

and send copies to:

Brian T. McCartney
Brydon, Swearngen & England, P.C.
Attorneys for TDS Telecommunications Corporation
P.O. Box 456
Jefferson City, Missouri 65102-0456

David Wigginton
Universal Telecom, Inc.
105 E. Adams Street
Bldg. 2, Suite 200
P.O. Box 679
LaGrange, Kentucky 40031

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 October 16, 2000.

5. That this order shall become effective on August 21, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 10th day of August, 2000.

**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 10th day of Aug. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

