BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Joint Application of)		
Southwestern Bell Telephone Company and Ba	rTel)		
Communications, Inc. for Approval of Resal	.e)	Case No.	TO-99-199
Agreement Under the Telecommunications Act	of)		
1996.)		

ORDER AND NOTICE

BarTel Communications, Inc. (BarTel) and Southwestern Bell Telephone Company (SWBT) filed a joint application with the Commission on November 3, 1998, for approval of a resale 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 nonparty 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 November 30, 1998 with:

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

and send copies to:

William M. Shansey Stewart & Keevil, L.L.C. 1001 Cherry Street, Suite 302 Columbia, Missouri 65201-7931

Katherine C. Swaller Southwestern Bell Telephone Company One Bell Center, Room 3536 St. Louis, Missouri 63101-3099

and

Office of the Public Counsel Post Office 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 12, 1999.
- 4. That this order shall become effective on November 10, 1998.

BY THE COMMISSION

Hole Hoed Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Nancy Dippell, 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 10th day of November, 1998.

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COMMISSION COUNSEL

COMMISSION COMMISSION

COMMISSION