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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of Southwestern )  
Bell Telephone Company for Approval of Statement ) CASE NO. TO-98-355  
of Generally Available Terms and Conditions )  
Pursuant to the Telecommunications Act of 1996. )

**ORDER AND NOTICE**

Southwestern Bell Telephone Company (SWBT) filed an application on February 17, 1998, for approval of its Statement of Generally Available Terms and Conditions (SGAT) under the Telecommunications Act of 1996 (the Act). SWBT seeks Commission approval of its SGAT under Section 252(f) of the Act. SWBT filed a copy of its SGAT as Attachment A. SWBT states that its SGAT contains the permanent rates determined by the Commission in the AT&T/MCI arbitration proceeding in Case Nos. TO-97-40 and TO-97-67, and the terms and conditions relating to interconnection decided by the Commission in the second arbitration proceeding between SWBT and AT&T, Case No. TO-98-115. However, SWBT also indicates that it intends to expressly reserve the right to challenge or otherwise appeal these rulings in any other judicial or regulatory proceeding.

In addition, SWBT filed a motion which requests that the Commission issue an order permitting SWBT's SGAT to take effect immediately. SWBT contends that Section 252(f)(3) of the Act allows the Commission to permit a statement to take effect pending review. SWBT indicates that it may in the future apply to the Federal Communications Commission (FCC) for authorization to provide interLATA long distance services in Missouri pursuant to Section 271 of the Act, but if it does it will provide advance

notice to the Commission and the parties in Case No. TO-97-56.

The Act provides that if an SGAT is submitted to a state commission by a Bell Operating Company, the state commission may not approve it unless it complies with Sections 251(d) and 252 of the Act and the regulations thereunder. 47 U.S.C. § 252(f)(2). The Act further provides that a state commission must complete its review not later than sixty days after the date of submission, unless the submitting carrier agrees to an extension of the period for review. 47 U.S.C. § 252(f)(3).

The Commission finds that the Commission's Information Officer should send notice of this order to the publisher of every newspaper located in the State of Missouri, as listed in the newspaper directory of the current Official Manual of the State of Missouri, and to all members of the Missouri General Assembly. In addition the Records Department of the Commission should send a copy of this order to all certificated Missouri telecommunications companies. Interested persons should be allowed twenty days from the issuance of this order to file an application for intervention or a motion for hearing. Applications to intervene should be submitted by March 11, 1998, to the Secretary of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, with copies sent to:

Anthony K. Conroy, Attorney for SWBT  
One Bell Center, Room 3510  
St. Louis, Missouri 63101

If no one requests a hearing, the Commission may determine that no hearing is necessary and may grant the relief requested based upon the verified application. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). However, because of the short time frame for the Commission's review under the Act,

the Commission will reserve March 23 and March 24 as potential hearing dates.

**IT IS THEREFORE ORDERED:**

1. That the Information Officer of the Commission shall send notice as set forth in the body of this order.

2. That the Records Department of the Commission shall send notice to all certificated Missouri telecommunications carriers.

3. That any persons wishing to file an application to intervene or to request a hearing shall file a pleading no later than March 11, 1998, with the Secretary of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri, 65102, with copies to counsel for Southwestern Bell Telephone Company and all known intervenors.

4. That the Commission will tentatively schedule a hearing for March 23 - 24, 1998 beginning at 9:00 a.m. in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. In the event no one requests a hearing, the hearing dates will be canceled.

5. Anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

6. That this order shall become effective on February 20, 1998.

BY THE COMMISSION

*Dale Hardy Roberts*

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

L. Anne Wickliffe, 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 20th day of February, 1998.

RECEIVED

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION