

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 25, 2000**

CASE NO: TO-2000-454

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

General Counsel
Missouri Public Service Commission
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Paul G. Lane/Leo J. Bub
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Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, MO 65201-7931

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

In the Matter of the Application of)	
Adelphia Business Solutions Operations,)	
Inc., for Approval of an Interconnection)	<u>Case No. TO-2000-454</u>
Agreement with Southwestern Bell Telephone)	
Company Pursuant to the Telecommunications)	
Act of 1996.)	

ORDER DIRECTING NOTICE
AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

On January 20, 2000, Adelphia Business Solutions Operations, Inc., (Adelphia) filed an application with the Commission for approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT)¹. Adelphia states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it does not discriminate against non-party carriers and is consistent with the public interest. Adelphia requests 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. Section 252(e).

¹ The title of the application actually states that it is the "Application of Allegiance Telecom, Inc." As the title is the only place in the application that mentions "Allegiance Telecom, Inc." and all other references are to Adelphia, the Commission will treat this as the application of Adelphia.

Although Southwestern Bell is a party to the agreement, it did not join in the application. The Commission will make Southwestern Bell a party to this case.

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 February 14, 2000 with:

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

and send copies to:

Charles Brent Stewart
Attorney for Adelphia Business Solutions Operations, Inc.
Stewart & Keevil, L.L.C
1001 Cherry Street, Suite 302
Columbia, Missouri 65201

Paul G. Lane
Leo J. Bub
Anthony K. Conroy
Katherine C. Swaller
Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3536
St. Louis, Missouri 63101-1976

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

3. That Southwestern Bell Telephone Company is made a party to this case.

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 March 31, 2000.

5. That this order shall become effective on February 4, 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 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 25th day of January, 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 25TH day of January 2000.

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

