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

In the Matter of the Adoption by TCG Kansas City )  
of Interconnection Agreement Between Brooks Fiber )  
Communications of Missouri, Inc. and Southwestern ) Case No. TO-99-71  
Bell Telephone Company Pursuant to Section 252(i) )  
of the Telecommunications Act of 1996. )

**ORDER AND NOTICE**

TCG Kansas City/AT&T Corp. (TCG Kansas City) filed a Notice of Adoption with the Commission on August 20, 1998, advising the Commission of its intention to adopt the approved interconnection agreement between Brooks Fiber(Brooks) and Southwestern Bell Telephone Company (SWBT) pursuant to Section 252(i) of the Federal Telecommunications Act of 1996 (the Act). TCG Kansas City stated that the Brooks/SWBT agreement was initially approved by the Commission in Case No. TO-97-334. TCG Kansas City's affiliate, TCG St. Louis, adopted the Brooks/SWBT agreement in Case No. TO-98-154.

TCG Kansas City included with its application a copy of the Brooks/SWBT agreement, executed by TCG Kansas City and SWBT.

Section 252(i) of the Act requires a local exchange carrier to make agreed upon interconnection terms available to non-party telecommunications carriers who request them. Although TCG Kansas City alleges that no Commission action is necessary to permit their adopted agreement to take effect, the Commission ruled in the company's previous adoption case, TO-97-334, that the Commission has the responsibility and authority to review and approve or reject adoptions of previously approved agreements. The Commission will follow the same procedure here.

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 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 any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than September 21, 1998 with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

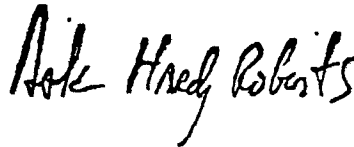
Dallas M. Forrest  
Goller, Gardner and Feather P.C.  
131 East High Street  
Jefferson City, Missouri 65101

Douglas W. Trabaris  
233 South Wacker Drive  
Suite 2100  
Chicago, Illinois 60606

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 October 29, 1998.

4. That this order shall become effective on September 1, 1998.

BY THE COMMISSION



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 1st day of September, 1998.