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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Adoption of the GTE/Ameritech)
Interconnection Agreement by Southwestern Bell) Case No. TO-99-93
Wireless, Inc. Pursuant to Section 252(i) of the)
Telecommunications Act of 1996.)

ORDER AND NOTICE

GTE Midwest Incorporated and GTE Arkansas Incorporated (collectively GTE) filed an Adoption of Interconnection Agreement with the Commission on September 2, 1998. GTE advised the Commission that Southwestern Bell Wireless, Inc. (SWBW) intended to adopt the approved interconnection agreement between GTE and Ameritech Mobile Communications, Inc. (Ameritech) pursuant to Section 252(i) of the Federal Telecommunications Act of 1996 (the Act). GTE stated that the GTE/Ameritech agreement was approved by the Commission in Case No. TO-98-163.

GTE included with its application a copy of the Commission's Order Approving Interconnection Agreement issued in Case No. TO-98-163. GTE also included a letter signed by representatives of both GTE and SWBW committing to the following points: 1) SWBW adopts the terms of the interconnection agreement between GTE and Ameritech with "SWBW" being substituted for "ACS" (Ameritech), 2) Notice for SWBW would go to its VP Network Operations office, and 3) SWBW adopts the terms of the GTE/Ameritech interconnection agreement to cover only SWBW's St. Louis operating area in the State of Missouri. GTE also reserved its right to seek appropriate legal and/or equitable relief if SWBW attempted to apply

certain provisions which may have been made void or unenforceable as the result of two recent U.S. Eighth Circuit Court of Appeals decisions.

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. The Commission has the responsibility and authority to review and approve or reject adoptions of previously approved agreements.

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 October 1, 1998 with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

Tracy D. Pagliara
GTE Service Corporation
225 Madison, 2nd Floor
Jefferson City, Missouri 65101-3202

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 November 12, 1998.

4. That this Order shall become effective on September 11, 1998.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Brian K. Harper, 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 11th day of September, 1998.