

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

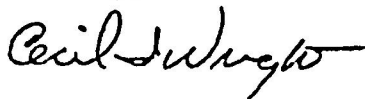
MAY 13, 1977

CASE NO: TO-97-487

**Charles Brent Stewart, French & Stewart, 1001 E. Cherry St., Suite 302, Columbia, MO 65201-7931
Paul G. Lane, Diana J. Harter, Leo J. Bub, Anthony K. Conroy, Southwestern Bell Telephone
Company, 100 N. Tucker Blvd., Room 630, St. Louis, MO 63101**

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in cursive script, appearing to read "Cecil I. Wright".

**Cecil I. Wright
Executive Secretary**

Uncertified Copy:

**Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102
To all Local and Interexchange Service Providers**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the joint application of)	
American Communications Services, Inc.)	
and SWBT for approval of interconnection)	<u>CASE NO. TO-97-487</u>
agreement under the Telecommunications)	
Act of 1996.)	

ORDER AND NOTICE

Southwestern Bell Telephone Company (SWBT) and American Communications Services, Inc. (ACSI) filed an Application with the Commission on May 6, 1997, for approval of an interconnection agreement between SWBT and ACSI under the provisions of the Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues, that the agreement complies with Section 252(e) of the Act, is not discriminatory and is consistent with the public interest. The applicants request expeditious approval of the agreement without change, suspension, or other delay in its implementation.

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or to file an application to participate without intervention for the limited purpose of filing comments and briefs addressing whether this agreement meets the federal standards for approval of interconnection agreements. If no one requests a hearing, the Commission may determine that no hearing is necessary. *State ex rel. Rex Delfenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

The standards for approval are as follows:

§252(e) APPROVAL BY STATE COMMISSION.--

- (1) APPROVAL REQUIRED.--**Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State Commission. A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION.--**The State Commission may only reject--
 - (A)** an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that--
 - (i)** the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii)** the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

Section 252(e)(4) provides that if the Commission has not approved or rejected such 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 the same companies that receive notice of applications for interexchange service authority.

IT IS THEREFORE ORDERED:

1. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than June 2, 1997, with the Executive Secretary of the Missouri

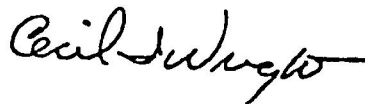
Public Service Commission, Post Office Box 360, Jefferson City, Missouri,
65102, and send copies to:

Leo J. Bub,
Atty. for SWBT
100 North Tucker, Room 630
St. Louis, Missouri 63101-1976

Charles Brent Stewart,
Atty. for ACSI
1001 Cherry Street, Suite 302
Columbia, Missouri 65201

2. That this order shall become effective on the date hereof.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

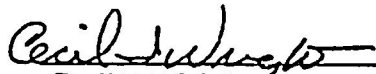
Elaine E. Bensavage,
Administrative Law Judge, by
delegation of authority pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 13th day of May, 1997.

**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 13 day of MAY, 1997.


Cecil I. Wright
Executive Secretary