**BEFORE THE PUBLIC SERVICE COMMISSION** 



## **OF THE STATE OF MISSOURI**

In the Matter of the Application of ) BlueStar Networks, Inc. for Certificates ) of Service Authority to Provide Basic Local ) Telecommunications Services, Local Exchange ) Telecommunications Services, Exchange ) Access Services and Interexchange ) Telecommunications Services in the State of ) Missouri and for Competitive Classification. )

Case No. TA-99-587

## ORDER GRANTING INTERVENTION, SETTING A PREHEARING CONFERENCE AND DIRECTING FILING OF PROCEDURAL SCHEDULE

BlueStar Networks, Inc. (BlueStar) filed an application on June 4, 1999, for certificates of service authority to provide non-basic local exchange telecommunications services, exchange access services and interexchange telecommunications services in the state of Missouri. On June 8, the Commission issued a notice of applications, directing interested parties to file an application to intervene no later than June 23, for the interexchange application and July 8, for the non-basic local application. No requests for intervention were received.

On August 13, BlueStar filed an Amended Application. In its amended application, BlueStar requests Certificates of Service Authority to provide basic local, local exchange, exchange access and interexchange telecommunications services in the exchanges currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated, and Sprint Missouri, Inc. d/b/a Sprint.

Because BlueStar's amended application, for the first time, requests authority to provide basic local service, the Commission determined that it was necessary to provide additional notice. On September 28, the Commission issued a second notice of applications, directing interested parties to file an application to intervene no later than October 13, for the interexchange application and October 28, for the basic local application. On October 25, SWBT filed an Application to Intervene.

SWBT stated that it has a direct interest in the Commission's decision regarding BlueStar's application because BlueStar will be in direct competition with SWBT. SWBT states that its interest as a provider of basic local exchange service differs from that of the general public. SWBT further states that its intervention would be in the public interest because of its extensive expertise and experience as a telecommunications provider.

The Commission has reviewed the application and finds that it is in substantial compliance with Commission rules regarding intervention and that the applicant has an interest in this matter that is different from that of the general public. The Commission concludes that the request for intervention should be granted and that the parties should file a proposed procedural schedule. In order to assist in the development of the procedural schedule and to clarify the issues in

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dispute, an early prehearing conference will be scheduled. The procedural schedule shall include dates for the filing of testimony and for a hearing. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. <u>State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public</u> Service Commission, 776 S.W.2D 494, 496 (Mo. App. 1989).

## **IT IS THEREFORE ORDERED:**

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That an early prehearing conference shall be held on December 7, 1999, beginning at 10:00 a.m. The prehearing conference shall be held at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. 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 before the prehearing conference at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That the parties shall file a proposed procedural schedule no later than December 14, 1999. The procedural schedule shall include dates for the filing of testimony and for a hearing.

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## BY THE COMMISSION

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Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

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(SEAL)

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 29th day of October, 1999.

MECELVE OCT 201990 COMMISSION COUNSEL PUBLIC SERVICE COMMISSION