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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 5th
day of March, 1998.

In the Matter of the Application of)
Southwestern Bell Telephone Company)
for Approval of Statement of) Case No. TO-98-355
Generally Available Terms and)
Conditions Pursuant to the)
Telecommunications Act of 1996.)

**ORDER DIRECTING THE FILING OF STAFF REPORT AND WRITTEN
COMMENTS AND DETERMINING SCOPE OF HEARING**

On February 17, 1998, Southwestern Bell Telephone Company (SWBT) filed an application for approval of its Statement of Generally Available Terms and Conditions (SGAT) under Section 252(f)¹ of the Telecommunications Act of 1996 (the Act). SWBT also filed a motion on the same date requesting that the Commission issue an order permitting SWBT's SGAT to take effect immediately. The Act provides that a state commission must complete its review of an SGAT not later than 60 days after the date of submission, unless the submitting carrier agrees to an extension of the period for review.

On February 20, the Missouri Public Service Commission (Commission) issued its Order And Notice, which gave notice, set an intervention deadline, and tentatively reserved hearing dates. Because of the short time frame for the Commission's review under the Act, the Commission determines that it would be appropriate to require written

¹ All statutory references to sections of the Telecommunications Act of 1996 are codified in title 47 of the United States Code (U.S.C.).

comments from the parties on certain matters. The Commission will therefore require SWBT, the Staff of the Commission (Staff), and the Office of the Public Counsel (OPC) to address the following factual and legal issues:

- (A) Does the SGAT filed by SWBT generally comply with the requirements of Sections 251 and 271 and the regulations thereunder, and the standards applicable under Section 252? See Section 252(f)(1).
- (B) Does the SGAT filed by SWBT specifically comply with subsection (d) of Section 252, and Section 251 and the regulations thereunder, including any statutory references referred to within these statutory cites? See Section 252(f)(2).
- (C) Are there any requirements of Missouri state law which the Commission should establish or enforce in reviewing SWBT's SGAT, including but not limited to service quality standards or requirements? See Section 252(f)(2).
- (D) Should the Commission permit SWBT's SGAT to take effect immediately, as requested by SWBT in its motion? If yes, what is your rationale in support of such action? What are the potential ramifications of allowing the SGAT to take effect prior to review? See Section 252(f)(3)(B).
- (E) What effect would approval of SWBT's SGAT have on existing Commission-approved interconnection, resale, and reciprocal compensation agreements to which SWBT is a party, whether arrived at by negotiation or arbitration?
- (F) Is SWBT's SGAT discriminatory or inconsistent with the public interest, convenience, and necessity?

If a party cannot answer a particular factual question because of a lack of information, that party should so specify and indicate what information is needed. SWBT should also indicate in its written comments whether it would be willing to extend the Commission's time for review by a period of 90 days. The Commission will direct its Staff to review SWBT's SGAT and file a written Staff Report concerning whether it complies with the Act, including Sections 252(f) and 271(c)(2)(B) of the Act. Staff may include its written comments to the specific questions listed above as part of its written report. SWBT, Staff, and OPC shall file their written comments, and Staff shall file its written report, no later than March 16. While the Commission will require the parties to address the specific questions listed in this order, the parties are free to include in their written comments any procedural suggestions or substantive comments they may wish to add. If intervention requests are received and granted, the Commission will permit intervenors to file written comments addressing the above questions.

This case is set for hearing on March 23-24. The initial time period permitted for review under the Act is so limited that prefiled testimony and a full evidentiary hearing cannot be conducted. Therefore, the hearing on March 23-24 will be limited to presentations by the parties, including oral argument of any relevant legal issues, and Commission questions. If the Commission is not satisfied with the information garnered in this fashion, it may convene further proceedings under the extended review provision of Section 252(f)(4).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company, the Staff of the Commission, and the Office of the Public Counsel shall file written

comments as directed in the body of this order no later than March 16, 1998.

2. That Southwestern Bell Telephone Company shall indicate in its written comments whether it is willing to extend the Commission's time for review of its Statement of Generally Available Terms and Conditions by a period of 90 days.

3. That the Staff of the Commission shall review the Statement of Generally Available Terms and Conditions filed by Southwestern Bell Telephone Company and file a written Staff Report indicating whether the Statement complies with the Telecommunications Act of 1996, including Sections 252(f) and 271(c)(2)(B) of the Act no later than March 16, 1998.

4. That the hearing scheduled for March 23-24, 1998 will be limited to formal presentations by the parties, including oral argument of any relevant legal issues, and Commission questions.

5. That this order shall become effective on March 5, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Wickliffe, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION