STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY January 13, 2000

CASE NO: TO-2000-406

Office of the Public Counsel P.O. Box 7800 Jefferson City, MO 65102

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General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Mary Ann (Garr) Young William D. Steinmeier, P.C. P. O. Box 104595 Jefferson City, MO 65110-4595

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

Sincerely,

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

Uncertified copies:

To all interexchange and local exchange telecommunications companies

OF THE STATE OF MISSOURI

Application of Missouri Telecom, Inc.)
for Approval of an Interconnection Agreement)
Case No. TO-2000-406
under the Telecommunications Act of 1996)

ORDER DIRECTING NOTICE AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

Missouri Telecom, Inc. (Applicant) filed an Application with the Commission on January 5, 2000, for approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT) under the provisions of the federal Telecommunications Act of 1996 (the Act). Applicant states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

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).

Although SWBT is a party to the agreement, it did not join in the application. The Commission will make SWBT a party to this case.

The Commission finds that proper persons should be allowed twenty (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 ninety (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 February 2, 2000 with:

Dale Hardy Roberts, Secretary Missouri Public Service Commission P.O. Box 360 Jefferson City, Missouri 65102

and send copies to:

Mary Ann (Garr) Young, Esq.
William D. Steinmeier, P.C.
2031 Tower Drive
P.O. Box 104595
Jefferson City, Missouri 65110-4595

Legal Department Southwestern Bell Telephone Company One Bell Center, Room 3536 Saint Louis, Missouri 63101

and:

Office of the Public Counsel P.O. Box 7800 Jefferson City, Missouri 65102

- 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 March 3, 2000.
- 4. That Southwestern Bell Telephone Company is made a party to this case.

5. That this order shall become effective on January 24, 2000.

BY THE COMMISSION

Ask Harely Roberts

Dale H. Roberts

Chief Regulatory Law Judge/Secretary

(SEAL)

Bill Hopkins, Senior 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 13th day of January, 2000.

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^{TH} day of January 2000.

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

HAR HARD Roberts