

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 10, 2001**

CASE NO: TO-2002-257

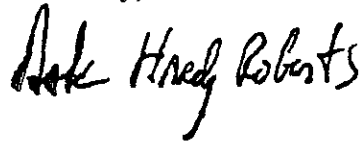
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

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

James M Fischer, Esq.
Larry W. Dority, Esq.
Fischer and Dority, Esq.
101 Madison, Suite 400
Jefferson City, MO 65101

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

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of SBC Advanced Solutions, Inc., for Approval of its Interconnection Agreement with New Edge Networks, Inc., d/b/a New Edge Networks under 47 U.S.C. §252.)

Case No. TO-2002-257

**ORDER DIRECTING NOTICE AND MAKING
NEW EDGE NETWORKS, INC. D/B/A NEW EDGE NETWORKS
A PARTY**

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, New Edge Network, Inc. d/b/a New Edge Networks, as a party to this proceeding.

On December 4, 2001, SBC Advance Solutions, Inc. (SBC-ASI) filed an application with the Commission for approval of an interconnection agreement with New Edge under the provisions of the federal Telecommunications Act of 1996 (the Act). SBC-ASI 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. SBC-ASI requests expeditious approval of the agreement.

Although New Edge is a party to the agreement, it did not join in the application. Because New Edge is a necessary party to a full and fair adjudication of this matter, the Commission will add New Edge as a party to this case.

The Act provides that an interconnection or resale 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.¹

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing. 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.²

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 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 Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. That New Edge Network, Inc. d/b/a New Edge Networks is made a party to this case.
3. That any party wishing to request a hearing shall do so by filing a pleading no later than December 30, 2001 , with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

¹ 47 U.S.C. § 252(e).

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

and send copies to:

James M. Fischer
Larry W. Dority
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Attorneys for SBC-ASI

Robert Y. McMillin
New Edge Networks
3000 Columbia House Blvd., Suite 10
Vancouver, Washington 98661

and:

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

4. 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 January 9, 2002.

5. That this order shall become effective on December 20, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of December, 2001.

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 10th day of Dec. 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

