

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
February 1, 2000**

**CASE NO: TO-2000-451**

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

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
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**Paul G. Lane/Leo J. Bub**  
**Anthony K. Conroy/Katherine C. Swaller**  
Southwestern Bell Telephone Company  
One Bell Center, Room 3518  
St. Louis, MO 63101

**Mark W. Comley**  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537

**Enclosed find certified copy of an ORDER and NOTICE 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 COMM SOUTH )  
COMPANIES, INC., d/b/a MISSOURI COMM SOUTH, INC., )  
for Approval of Interconnection Agreement ) Case No. TO-2000-451  
Under the Telecommunications Act of 1996. )

**ORDER AND NOTICE**

COMM SOUTH COMPANIES, INC., d/b/a MISSOURI COMM SOUTH, INC.,  
(Applicant) filed an Application with the Missouri Public Service  
Commission (Commission) on January 19, 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). The executed agreement was presented with the application and  
Applicant states that there are no outstanding issues between SWBT and  
Applicant 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 22, 2000, with:

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

and send copies to:

Mark W. Comley  
Newman, Comley & Ruth  
601 Monroe Street, Suite 301  
Jefferson City, Missouri 65102

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

and:

Office of the Public Counsel  
Post Office 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 7, 2000.

4. That Southwestern Bell Telephone Company is made a party to this case.

5. That this order shall become effective on February 14, 2000.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale H. Roberts". The signature is written in a cursive, slightly slanted style.

Dale H. Roberts  
Chief Regulatory Law Judge/Secretary

(S E A L)

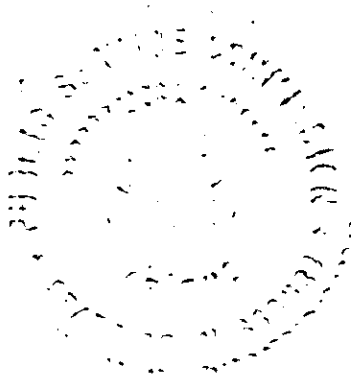
Keith Thornburg, Regulatory Law Judge,  
by delegation of authority pursuant  
to 4 CSR 240-2.120(1) (November 30,  
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 1st day of February, 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 1<sup>st</sup> day of FEBRUARY 2000.



*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
Secretary/Chief Regulatory Law Judge