

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
July 11, 2000**

**CASE NO: TO-2001-4, TO-2000-322**

**Office of the Public Counsel**

P.O. Box 7800  
Jefferson City, MO 65102

**Paul G. Lane/Leo J. Bub/Anthony K.  
Conroy/Mimi B. MacDonald**

Southwestern Bell Telephone Company  
One Bell Center Room 3520  
St Louis, MO 63101

**General Counsel**

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

**Mark P. Johnson/Lisa C. Creighton**

Sonnenschein Nath & Rosenthal  
4520 Main Street, Suite 1100  
Kansas City, MO 64111

**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 Petition of DIECA )  
Communications Inc., d/b/a Covad Communications )  
Company for Approval of an Interconnection ) Case No. TO-2001-4  
Agreement Under the Telecommunications Act )  
Of 1996. )

In the Matter of the Petition of DIECA )  
Communications Inc., d/b/a Covad Communications )  
Company for Arbitration of Interconnection ) Case No. TO-2000-322  
Rates, Terms, Conditions and Related Arrange- )  
ments with Southwestern Bell Telephone Company. )

**ORDER DIRECTING NOTICE**  
**AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY**  
**AND DIRECTING FILING**

Pursuant to the Commission's Arbitration Order in Case No. TO-2000-322, issued and effective March 23, 2000, DIECA Communications Inc., d/b/a Covad Communications Company (Covad), and Southwestern Bell Telephone Company (SWBT) were directed to submit their interconnection agreement to the Commission's Staff and subsequently to file the agreement with the Commission. The Commission's Staff was directed to file its recommendation within 15 days of the filing of the agreement. This expedited review was directed in order that the Commission would have time to consider the agreement within the 30-day period allowed under Section 252(e)(4) of the federal Telecommunications Act of 1996 (the Act).

On July 5, 2000, Covad filed an application and an affidavit with the Commission for approval of the interconnection agreement

negotiated and arbitrated with SWBT, under the provisions of the federal Telecommunications Act of 1996 (the Act). The application was assigned Case No. TO-2001-4. Covad 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. Section 252(e) of the Act established standards for the Commission's review and consideration of negotiated and arbitrated interconnection agreements.

Although SWBT is a party to the agreement, it is not joined in the application. Because SWBT is a necessary party to a full and fair review of this matter, the Commission will add SWBT as a party to this case.

The Commission finds that proper persons should be allowed to file comments regarding the application. Participation of nonparties may be permitted for the limited purpose of filing comments addressing whether this agreement meets the federal standards for approval of interconnection or resale agreements. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

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).

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. 47 U.S.C. § 252(e). An agreement (or any portion thereof) adopted by arbitration must satisfy the requirements of Section 251 of the Act.

Section 252(e)(4) of the Act provides that if the Commission has not approved a negotiated agreement within 90 days after submission, the agreement shall be deemed approved. Section 252(e)(4) of the Act provides that if the Commission has not approved an arbitrated agreement within 30 days after submission, the agreement shall be deemed approved. Because portions of the agreement under review were arbitrated, the Commission will complete its review within 30 days. Therefore, the Commission will proceed with this case expeditiously, relying on the verified petition, suggestions of the parties to the agreement, the Commission's Staff recommendation and any public comments that might be received.

**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 Southwestern Bell Telephone Company, is made a party to Case No. TO-2001-4.

3. That the parties to the interconnection agreement may file suggestions regarding the Commission's approval or rejection of the interconnection agreement filed in Case No. TO-2001-4 no later than July 19, 2000.

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 July 19, 2000.

5. That any person wishing to submit comments regarding the Commission's approval or rejection of the interconnection agreement filed in Case No. TO-2001-4 shall file the same no later than July 19, 2000, with:

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

and send copies to:

Mark P. Johnson  
Lisa C. Creighton  
4520 Main Street, Suite 1100  
Kansas City, Missouri 6411  
Attorneys for DIECA Communications, Inc.  
d/b/a Covad Communications Company

Paul Lane  
Mimi B. MacDonald  
One Bell Center, Suite 350  
St. Louis, Missouri 63101  
Attorneys for Southwestern Bell Telephone Company

and:

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

6. That this order shall become effective on July 11, 2000.

**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 1994.

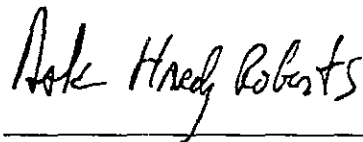
Dated at Jefferson City, Missouri,  
on this 11th day of July, 2000.

**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 11<sup>th</sup> day of July 2000.



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

