

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 26, 2000**

CASE NO: TO-2000-407

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312 E. Capitol Avenue, PO Box 456
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Jeanne A. Fischer, Attorney
Southwestern Bell Wireless, Inc.
13075 Manchester Road
St. Louis, MO 63131

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 telecommunications companies.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Southwestern Bell Wireless,)
Inc. and TDS Telecom, Inc. for approval of)
an Interconnection Agreement under the) Case No. TO-2000-407
Telecommunications Act of 1996)

ORDER DIRECTING NOTICE

Southwestern Bell Wireless, Inc. (SWBW) and TDS Telecom, Inc. (TDS) (collectively, Applicants) filed their Application with the Missouri Public Service Commission (Commission) on January 6, 2000, for approval of an interconnection agreement (Agreement) between SWBW and TDS under the Federal Telecommunications Act of 1996 (the Act).

Because Applicants filed an Application which was unclear, the Commission entered its Order Directing Filing on January 13, 2000. The Applicants were ordered to file suggestions in support of their Application, explaining what relief that they requested, and the authority that they believe the Commission has to grant that relief.

On January 21, 2000, the Applicants filed their suggestions in support of their Application. This pleading satisfied the Commission's order directing filing. The Applicants stated that they were requesting the Commission to issue an order approving the voluntarily negotiated interconnection agreement between SWBW and TDS. The Applicants stated that the Commission has the authority to approve interconnection

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agreements under the Act, specifically Section 251(a)(1). The Applicants stated that Section 251(c) of the Act also lists additional obligations of incumbent local exchange carriers (ILECs), including interconnection duties. The Applicants stated that Section 251(f)(1) of the Act exempts certain rural telephone companies from the additional interconnection requirements contained in Section 251(c) of the Act, e.g., duty to provide for access to unbundled network elements, physical collocation, and resale of services at wholesale prices. The Applicants stated that, although all ILECs, as telecommunications carriers, have the duty to interconnect, not all ILECs have to meet the additional interconnection requirements of Section 251(c). The Applicants restated what they had asserted in their Application, i.e., that the Agreement was not an interconnection agreement under Section 251(c) of the Act and thus TDS has not waived the rural exemption found in Section 251(f)(1).

Applicant also restated 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).

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 15, 2000 with:

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

and send copies to:

Brian T. McCartney, Esq.
Brydon, Swearingen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, Missouri 65102-0456

Jeanne Fischer, Esq.
Southwestern Bell Wireless, Inc.
13075 Manchester, First Floor
Saint Louis, Missouri 63131

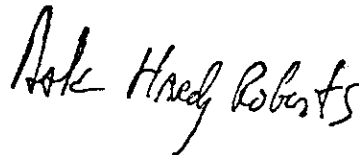
and:

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 3:00 p.m. on March 3, 2000.

4. That this order shall become effective on February 7, 2000.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

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.

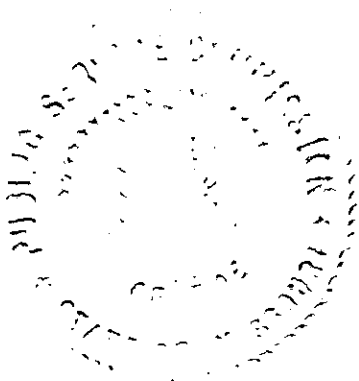
Dated at Jefferson City, Missouri,
on this 26th day of January, 2000.

**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 26TH day of January 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge