# STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY March 9, 2000

CASE NO: TO-2000-529

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

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

Stephen B. Rowell
ALLTEL Communications, Inc.m
One Allied Drive
Little Rock, AR 72202

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

Sincerely,

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

HAREL Roberts

**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 Joint Application of )
ALLTEL Communications Inc., and TDS Telecommunications Corporation for Approval of an )
Interconnection Agreement under the Telecommunications Act of 1996. )

### ORDER AND NOTICE

On February 25, 2000, ALLTEL Communications, Inc. (ALLTEL), and TDS Telecommunications Corporation (TDS) filed their joint application for approval of an interconnection agreement under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicants state 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 applicants request expeditious approval of the agreement.

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 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 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 March 27, 2000, with:

Dale Hardy Roberts, Secretary Missouri Public Service Commission Post Office Box 360 Jefferson City, Missouri 65102 and send copies to:

Brian T. McCartney Brydon, Swearengen & England P.C. P.O. Box 456 Jefferson City, Missouri 65102-0456

Stephen B Rowell ALLTEL Communications, Inc. One Allied Drive Little Rock, AR 72202

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 May 1, 2000.
  - 4. That this order shall become effective on March 21, 2000.

BY THE COMMISSION

Hoke Hred Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

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 9th day of March, 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  $9^{th}$  day of March 2000.

Dale Hardy Roberts

Hole Hard Roberts

Secretary/Chief Regulatory Law Judge