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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Adoption of the)
GTE/Communications Cable-Laying Company, Inc.,)
d/b/a Dial U.S. Interconnection Agreement by) **Case No. TO-99-94**
Teleport Communications Group, Inc. Pursuant)
to Section 252(i) of the Telecommunications)
Act of 1996.)

ORDER AND NOTICE

GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed a Notice of Adoption with the Commission on September 2, 1998. GTE advised the Commission that Teleport Communications Group, Inc. (TCG) had notified GTE that it desired to adopt the terms of the interconnection agreement between GTE and Communications Cable-Laying Company, Inc., d/b/a Dial U.S., approved by the Commission in Case No. TO-97-297.

GTE included with its filing a short letter relating to TCG's adoption of the terms of the interconnection agreement. The letter is signed by representatives of both GTE and TCG, and commits to the following points: 1) TCG adopts the terms of the Communications Cable-Laying Company, Inc., d/b/a Dial U.S., negotiated agreement for interconnection with GTE with "TCG" being substituted for "Dial U.S."; 2) Notice for TCG will go to its office in Dayton, New Jersey; and 3) TCG represents and warrants that it is a certified provider of local dialtone service in the State of Missouri, and that its adoption of the terms will cover services in the State of Missouri only. GTE also reserved its right to seek appropriate legal and/or equitable relief if TCG attempted to apply certain provisions which may have been made void or unenforceable as the result of two recent U.S. Eighth Circuit Court of

Appeals decisions. GTE also included a copy of the Commission's Report and Order Case No. TO-97-297.

Section 252(i) of the Telecommunications Act of 1996 (the Act) requires a local exchange carrier to make agreed-upon interconnection terms available to nonparty telecommunications carriers who request them. The Commission has the responsibility and authority to review and approve or reject adoptions of previously approved agreements. 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 the 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 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 November 3, 1998, with:

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

and send copies to:

Tracy D. Pagliara
GTE Regulatory & Governmental Affairs
601 Monroe Street, Suite 304
Jefferson City, Missouri 65101

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 November 12, 1998.

4. That this Order shall become effective on October 14, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, 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 14th day of October, 1998.

RECEIVED

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION