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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Southwestern)
Bell Telephone Company and QCC, Inc., for Approval) **Case No. TO-97-539**
of a Resale Agreement Under the Telecommunications)
Act of 1996.)
)

ORDER AND NOTICE

Southwestern Bell Telephone Company (SWBT) and QCC, Inc. (QCC) filed an Application with the Commission on June 13, 1997, for approval of a Resale Agreement between QCC and SWBT under the provisions of the Telecommunications Act of 1996 (the Act). The applicants state that there are no outstanding issues between SWBT and QCC that require mediation or arbitration, that implementation of the agreement complies fully with Section 252(3) of the Act, is not discriminatory and is consistent with the public interest. The applicants request expeditious approval of the agreement without change, suspension, or other delay in its implementation.

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or to file an application to participate without intervention for the limited purpose of filing comments and briefs addressing whether this agreement meets the federal standards for approval of interconnection agreements. If no one requests a hearing, the Commission may determine that no hearing is necessary. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

The standards for approval are as follows:

§252 (e) APPROVAL BY STATE COMMISSION

- (1) **APPROVAL REQUIRED.** — Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State Commission. A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND FOR REJECTION.** — The State Commission may only reject —
 - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that —
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

Section 252(e) (4) 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 the same companies that receive notice of applications for interexchange service authority.

IT IS THEREFORE ORDERED:

1. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than July 14, 1997, with the Executive Secretary of the Missouri Public Service

Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

Paul G. Lane
General Attorney-Missouri
Southwestern Bell Telephone Company
100 N. Tucker, Room 630
St. Louis, MO 63101-1976

Mark W. Comley
Newman, Comley & Ruth P.C.
P.O. Box 537
Jefferson City, MO 65102-0537

2. That this order shall become effective on the date hereof.

BY THE COMMISSION



Cecil I. Wright
Executive Secretary

(S E A L)

Thomas H. Luckenbill, Deputy Chief
Administrative 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 23rd day of June, 1997.