BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Joint Application of U S WEST Interprise America, Inc., and Southwestern Bell Telephone Company for Approval of an Interconnection Agreement Under the Telecommunications Act of 1996.	))))))	Case No. TO-98-42

ORDER AND NOTICE

Southwestern Bell Telephone Company (SWBT) and U S WEST Interprise America, Inc., d/b/a INTERPRISE America, Inc. (Interprise) filed an application with the Commission on July 29, 1997, for approval of an interconnection agreement between SWBT and Interprise under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues, that the agreement complies with Section 252(e) 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 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 Comm'n, 776 S.W.2d 494, 496 (Mo. App. 1989). Therefore, if

no party requests a hearing, the Commission may grant the relief requested based on the verified application.

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) **GROUNDS FOR REJECTION.** — The State Commission may only reject —
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> (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 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 any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than

August 26, 1997, with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

Lisa C. Creighton
Sonnenschein Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, Missouri 64111

Anthony K. Conroy
Southwestern Bell Telephone Company
100 North Tucker Boulevard, Room 630
St. Louis, Missouri 63101-1976

2. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than September 26, 1997.

3. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefore no later than September 17, 1997.

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

BY THE COMMISSION

(S E A L)

Cecil I. Wright
Executive Secretary

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 6th day of August, 1997.