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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Focal)
Communications Corporation of Missouri for a)
Certificate of Service Authority to Provide)
Basic Local Telecommunications Service)
in the State of Missouri, and to Classify)
Said Services as Competitive)
Case No. TA-99-403

ORDER GRANTING INTERVENTION AND DIRECTING FILING
OF PROCEDURAL SCHEDULE

Focal Communications of Missouri (Focal) filed an application for authority to provide switched and dedicated, resold and facilities-based basic local telecommunications services in the state of Missouri on March 22, 1999. Focal applied to provide services in all the exchanges currently served by the incumbent local exchange companies of Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated and Sprint of Missouri. On March 30, 1999, the Commission issued notice and schedule of applicants, directing interested parties to file applications to intervene no later than April 29, 1999.

Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene on April 2, 1999. SWBT stated that it is a local exchange telecommunications company and a public utility, and thus is authorized to provide telecommunications services in Missouri. SWBT stated that Focal's requested authority to provide "all forms of local exchange services" (para. 13, p. 6 of Focal's application) will be offered in direct competition with SWBT if Focal's application is

granted. SWBT also stated that it has a direct interest in the Commission's decision on Focal's application, but that SWBT does not have sufficient information to either support or oppose Focal's application. SWBT further stated that its interests as a provider of basic local exchange telecommunications service differ from those of the general public so that no other party can adequately protect SWBT's interest. SWBT's claims its intervention is in the public interest because SWBT will bring its extensive expertise and experience as a telecommunications provider.

The Commission has reviewed the application of SWBT and finds that it is in substantial compliance with Commission rules regarding intervention and that the applicant has an interest in this matter that is different from that of the general public. The Commission concludes that this request for intervention should be granted and that the parties shall file a proposed procedural schedule. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a stipulation and agreement. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That the parties shall file a proposed procedural schedule no later than June 4, 1999. The procedural schedule shall include dates for the filing of testimony and for a hearing.

3. That this order shall become effective on May 17, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(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 5th day of May, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION