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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

Joint Application of Southwestern Bell Telephone )  
Company and Max-Tel Communications, Inc. for ) CASE NO. TO-97-501  
Approval of Resale Agreement Under the Telecom- )  
munications Act of 1996. )

**ORDER AND NOTICE**

Southwestern Bell Telephone Company (SWBT) and Max-Tel Communications Inc. (Max-Tel) filed an Application with the Commission on May 15, 1997, for approval of a resale agreement between SWBT and Max-Tel under the provisions of the 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 to file an application to participate without intervention for the limited purpose of filing comments 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 a 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 June 9, 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 North Tucker Boulevard, Room 630  
St. Louis, Missouri 63101-1976

Charles Brent Stewart  
French & Stewart  
1001 Cherry Street, Suite 302  
Columbia, Missouri 65201

2. That comments addressing whether this agreement meets the federal standards for approval of interconnection agreements must be filed no later than July 14, 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 July 24, 1997.

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

**BY THE COMMISSION**



**Cecil I. Wright  
Executive Secretary**

(S E A L)

L. Anne Wickliffe, 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 20th day of May, 1997.