## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Teligent,
Inc., for Approval of Interconnection Agreement
Under the Telecommunications Act of 1996.

## ORDER AND NOTICE

On January 7, 1999, Teligent, Inc. (Applicant) application for approval of an interconnection agreement (the with Southwestern Bell Telephone Company provisions of the federal Telecommunications Act of 1996 (the Act). The Applicant states that there are no unresolved issues and that the Agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest. The Applicant requests that the Commission grant expeditious approval of the Agreement.

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 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 February 16, 1999, with:

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

and send copies to:

Mark W. Comley Newman, Comley & Ruth P.C. 601 Monroe Street, Suite 301 Post Office Box 537 Jefferson City, Missouri 65102-0537 and:

Erik Cecil, Regulatory Counsel Teligent, Inc. 8605 Leesburg Pike, Suite 400 Vienna, Virginia 22182

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 March 18, 1999.
- 4. That this order shall become effective on January 26, 1999.

BY THE COMMISSION

Dale Hardy Roberts

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Secretary/Chief Regulatory Law Judge

(SEAL)

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 26th day of January, 1999.

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