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

In the Matter of the Application of GTE Midwest )  
Incorporated and GTE Arkansas Incorporated for )  
Approval of Interconnection Agreement with ) Case No. TO-99-307  
Preferred Carrier Services, Inc., Pursuant to )  
Section 252(e) of the Telecommunications Act )  
of 1996. )

**ORDER DIRECTING NOTICE**  
**AND MAKING PREFERRED CARRIERS SERVICES, INC., A PARTY**

GTE Midwest Incorporated and GTE Arkansas Incorporated (referred to collectively as GTE) filed an application with the Commission on January 20, 1999, for approval of an interconnection agreement with Preferred Carriers Services, Inc., (Preferred) under the provisions of the federal Telecommunications Act of 1996 (the Act). Although Preferred is a party to the agreement, it did not join in the application. The Commission will make Preferred a party to this case. In the application, GTE 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 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 Preferred Carrier Services, Inc., is made a party to this case.

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than February 24, 1999 with:

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

and send copies to:

Tracy D. Pagliara  
GTE Service Corporation  
601 Monroe Street, Suite 304  
Jefferson City, Missouri 65101

Jeffery J. Walker  
Preferred Carrier Services, Inc.  
14681 Midway Road, Suite 105  
Dallas, Texas 75244

and:

Office of the Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102

4. 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 31, 1999.

5. That this order shall become effective on February 17, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

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 4th day of February, 1999.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION