

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 31, 2002**

CASE NO: TO-2002-355

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Larry W. Dority
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101 Madison St., Suite 400
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General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul G. Lane
Southwestern Bell Telephone Co.
One Bell Center, Room 3518
St. Louis, MO 63101

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copies:

To all telecommunications companies certified to do business in the state of Missouri.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of ALLTEL)
Communications, Inc., for Approval of Its)
Cellular/PCS Interconnection Agreement with) **Case No. TO-2002-355**
Southwestern Bell Telephone Company under)
47 U.S.C. Section 252.)

ORDER DIRECTING NOTICE AND MAKING
SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement as a party to this proceeding.

On January 22, 2002, ALLTEL Communications, Inc. (ACI) filed an application with the Commission for approval of its Cellular/PCS Interconnection Agreement with Southwestern Bell Telephone Company (SWBT) under the provisions of the federal Telecommunications Act of 1996 (the Act). ACI 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. ACI requests expeditious approval of the agreement.

Although SWBT is a party to the agreement, it did not join in the application. Because SWBT is a necessary party to a full and fair adjudication of this matter, the Commission will add SWBT as a party to this case.

The Act provides that an interconnection or resale 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.¹

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing. 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.²

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 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 Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. That Southwestern Bell Telephone Company is made a party to this case.
3. That any party wishing to request a hearing shall do so by filing a pleading no later than February 20, 2002, with:

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

¹ 47 U.S.C. § 252(e).

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2D 494, 496 (Mo. App. 1989).

and send copies to:

Larry W. Dority
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101

Paul G. Lane
General Counsel-Missouri
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101

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 4, 2002.

5. That this order shall become effective on February 10, 2002.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 31st day of January, 2002.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 31st day of Jan. 2002 .**

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

