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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Interconnection    )  
Agreement of GTE Midwest Incorporated    )    CASE NO. TO-97-533  
and Sprint Spectrum L.P.                    )

ORDER AND NOTICE

GTE Midwest Incorporated (GTE) and Sprint Spectrum L.P. (Sprint Spectrum) filed a Joint Application with the Commission on June 13, 1997, for approval of an interconnection agreement between GTE and Sprint Spectrum 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 Joint Application also contains the following request: "The parties request that the Agreement be held confidential and that the terms of § 386.480 (RSMo 1994) be enforced." No justification for the confidential treatment of the agreement was included in the pleading. The Commission's established procedure for approval of interconnection agreements provides for a period of time during which interested persons or entities may file an application for participation without intervention. Participants are allowed to file comments and briefs on whether the agreement meets federal standards for approval. This procedure would be a nullity if participants do not have access to the agreement.<sup>1</sup> In

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<sup>1</sup> The Commission notes that applicants did not request a protective order, only confidential treatment of the agreement.

addition, federal law requires approved agreements to be available for public inspection and copying within ten days after approval. See § 252(h). The Commission finds that the interconnection agreement filed in this case is a public document and will be treated as such.

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 and briefs 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) GROUNDS 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 the Commission has not approved or rejected such 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:**

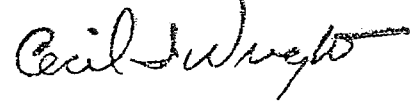
1. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than July 10, 1997, with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and send copies to:

James C. Stroo,  
Atty. for GTE  
1000 GTE Drive  
Wentzville, Missouri 63385

Andrew Buffmire,  
Atty. for Sprint Spectrum  
4900 Main Street, 12th Floor  
Kansas City, Missouri 64112

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

**BY THE COMMISSION**



**Cecil I. Wright**  
**Executive Secretary**

(S E A L)

Elaine E. Bensavage,  
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 24th day of June, 1997.