

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 18, 2001**

CASE NO: TO-2002-72

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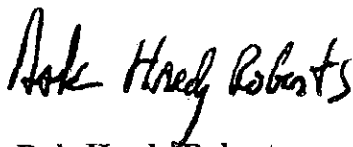
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TDS Telecommunications Corporation
P. O. Box 22995
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Knoxville, TN 37933-0995

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

Sincerely,



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

Uncertified Copies:

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

Application of AT&T Wireless Services, Inc.)
for Approval of Interconnection Agreement) Case No. TO-2002-72

THIRD ORDER DIRECTING FILING

On August 22, 2001, the Missouri Public Service Commission ordered AT&T Wireless Services, Inc., to cure, no later than September 4, 2001, the deficiencies in its application for approval of an interconnection agreement with the following incumbent local exchange telephone companies: TDS Telecommunications Corporation, individually and as agent for its parent and affiliate companies, i.e., New London Telephone Company, Orchard Farm Telephone Company, and The Stoutland Telephone Company.

AT&T Wireless did not comply with that order. As a result, on September 12, 2001, the Commission again ordered AT&T Wireless to comply with its order of August 22, 2001, no later than September 14, 2001. In its order of September 12, 2001, the Commission also added a new requirement for AT&T Wireless to comply with. Commission Rule 4 CSR 240-2.050(3)(B) applies when an act ordered by the Commission to be done within a specified time is not done within that specified time. The rule requires that the party failing to act must provide excusable neglect before the Commission will allow the act to be done out of time. The rule states:

When an act is required...to be done by order...of the commission at or within a specified time, the commission, at its discretion, may..., [a]fter the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

Thus, in its order of September 12, 2001, the Commission required AT&T Wireless to demonstrate how its failure to comply with the Commission's order of August 22, 2001, was the result of excusable neglect.

On September 14, 2001, AT&T Wireless filed a supplement to its original application, complying with the order of the Commission issued on August 22, 2001.

AT&T Wireless, however, did not comply with that part of the Commission's order of September 12, 2001, in explaining how its failure to comply with the Commission's order of August 22, 2001, was the result of excusable neglect. The pleading stated: "Counsel for [AT&T Wireless] did not become aware of the Order Directing Filing until September 11, 2001, when a member of the Commission Staff initiated contact to determine the status of the required filing." This is not a statement demonstrating excusable neglect.

AT&T Wireless is admonished to follow the Commission's orders. Failure to do so may result in the case being dismissed. Commission Rule 4 CSR 240-2.116 gives the grounds upon which the Commission may dismiss an application. Subsection (3) of that rule states that the Commission may dismiss a party from a case if the party has failed to comply with a Commission order. The subsection states: "A party may be dismissed from a case for failure to comply with any order issued by the commission...."

The Commission will, for the third time, order AT&T Wireless to comply with its orders.

IT IS THEREFORE ORDERED:

1. That AT&T Wireless Services, Inc., must file, no later than September 21, 2001, a supplemental pleading in compliance with this order that supplies the information requested in the Commission's order of September 12, 2001, i.e., a demonstration of

excusable neglect on the part of AT&T Wireless Services, Inc., for its noncompliance with the order issued August 22, 2001.

2. That this order will become effective on September 18, 2001.

BY THE COMMISSION



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

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 18th day of September, 2001.

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TO-02-72

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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 18th day of Sept. 2001.

Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge