

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
September 12, 2001**

**CASE NO: TO-2002-72**

**Office of the Public Counsel**

P.O. Box 7800  
Jefferson City, MO 65102

**Paul S. DeFord, Esq.**

Lathrop & Gage, L.C.  
2345 Grand Boulevard, Suite 2800  
Kansas City, MO 64108

**General Counsel**

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Legal Department**

TDS Telecommunications Corporation  
P. O. Box 22995  
9737 Cogdill Road, Suite 230  
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**

**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 has not complied with that order.

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.

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

4

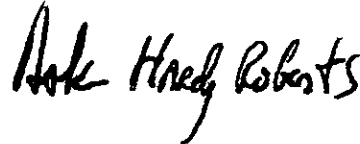
subsection states: "A party may be dismissed from a case for failure to comply with any order issued by the commission...."

Thus, the Commission will once again require AT&T Wireless to file a supplemental pleading that supplies the information requested in the Commission's order of August 22, 2001, which pleading must also demonstrate excusable neglect on the part of AT&T Wireless. If AT&T Wireless fails to comply with this order, this case may be dismissed.

**IT IS THEREFORE ORDERED:**

1. That AT&T Wireless Telecom, Inc. must file, no later than September 14, 2001, a supplemental pleading in compliance with this order.
2. That this order will become effective on September 12, 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.

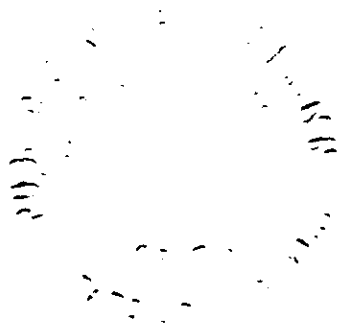
Dated at Jefferson City, Missouri,  
on this 12th day of September, 2001.

**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 12<sup>th</sup> day of Sept. 2001.



  
\_\_\_\_\_  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge