

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 22, 2001**

CASE NO: TO-2002-72

Office of the Public Counsel
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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:
To all local and interexchange telecommunications companies**

**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 NOTICE
AND MAKING TDS A PARTY**

On August 15, 2001, AT&T Wireless Services, Inc., filed an application with the Missouri Public Service Commission for approval of a wireless 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. The agreement was filed under Section 252(e)(1) of the Telecommunications Act of 1996. The agreement would permit interconnection on an indirect basis for the purpose of exchanging traffic between the parties' customers.

Although TDS is a party to the agreement, it did not join in the application. Because TDS is a necessary party to a full and fair adjudication of this matter, the Commission will add TDS 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 *Deffenderfer* case held that 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 will 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 Records Department of the Missouri Public Service Commission must send notice to all interexchange and local exchange telecommunications companies.

2. That TDS Telecommunications Corporation, is made a party to this case.

3. That any party wishing to request a hearing must do so by filing a pleading no later than September 11, 2001, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

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:

Paul S. DeFord, Esq.
Lathrop & Gage, L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, Missouri 64108

Legal Department
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Post Office Box 22995
9737 Cogdill Road, Suite 230
Knoxville, Tennessee 37933-0995

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

4. That the Staff of the Missouri Public Service Commission must file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than September 21, 2001.

5. That this order will become effective on September 1, 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 22nd day of August, 2001.

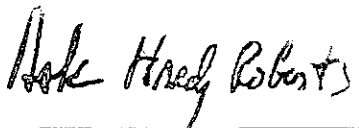
STATE OF MISSOURI

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 22nd day of August 2001.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge