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January 19, 2000

FILED³

JAN 19 2000

Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

T0-2000-451

Re: Comm South Companies, Inc., d/b/a Missouri Comm South, Inc.

Dear Judge Roberts:

Enclosed for filing please find the original and fourteen copies of an Application for Approval of Interconnection Agreement Under the Telecommunications Act of 1996. The Interconnection Agreement is marked as Attachment II, and I enclose the original and five copies of the agreement.

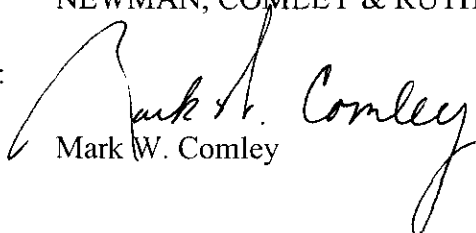
Please contact me if you have any questions concerning this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

Mark W. Comley



MWC:ab

Enclosure

cc: Office of Public Counsel
Bobby Glover
Anthony K. Conroy

FILED³

JAN 19 2000

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

Application of COMM SOUTH COMPANIES, INC.,)
d/b/a MISSOURI COMM SOUTH, INC.)
for Approval of Interconnection Agreement Under)
the Telecommunications Act of 1996.)

Missouri Public
Service Commission

Case No. TO - 2000 - 451

APPLICATION FOR
APPROVAL OF INTERCONNECTION AGREEMENT
UNDER THE TELECOMMUNICATIONS ACT OF 1996

Comes now COMM SOUTH COMPANIES, INC., d/b/a MISSOURI COMM SOUTH, INC. (hereinafter "MCS", or "Applicant") and hereby files this Application for Approval of a new Resale Agreement (the Agreement) between Southwestern Bell Telephone Company (SWBT) and MCS under the Telecommunications Act of 1996 (the Federal Act) and would respectfully show the Missouri Public Service Commission (the Commission) the following:

I. THE APPLICANT

MCS is a telecommunications company subject to the jurisdiction of this Commission and engages in the business of providing resold basic local telecommunications service, including local calling ("dialtone"), on a prepaid basis only. Prepaid services are services for which a company does not perform consumer credit checking or application screening and which are paid for prior to service being rendered. It acquired its certificate of service authority to provide basic local telecommunications service and local exchange service in Case No. TA-97-203 before this Commission. MCS is a corporation organized under the laws of the State of Texas. MCS has been duly authorized by the Secretary of the State of Missouri to transact business as a foreign corporation. Attachment I to this application is a Certificate of Good Standing issued by the Secretary of State of Missouri pertaining to MCS's authority to engage in business in this state.

II. INTERCONNECTION/RESALE AGREEMENT REACHED

MCS presents to this Commission for approval an Interconnection Agreement negotiated and executed pursuant to the terms of the Federal Act (Agreement, Attachment II). This Agreement is designed to replace the previous resale agreement reached between these parties and approved by the Commission in Case No. TO-97-447. Like its predecessor, this Agreement was entered into pursuant to Section 252(a)(1) of the Federal Act, and SWBT and MCS executed the Agreement effective February 22nd, 1999. The Agreement contains 38 pages, 3 Exhibits, one Attachment, and one Appendix. There are no outstanding issues between SWBT and MCS that need the assistance of mediation or arbitration.

III. DESIGNATED CONTACTS

The designated contacts for purposes of this Application are:

Mark W. Comley
NEWMAN, COMLEY & RUTH
601 Monroe Street
Suite 301
Jefferson City, MO 65101
Telephone: 573 634-2266
Fax: 573 636-3306
e-mail – comleym@ncrpc.com

and

Bobby Glover
MISSOURI COMM SOUTH, INC.
6830 Walling Lane
Dallas, Texas 75231
Telephone: 972 643-8573
Fax: 972 690-9959

IV. REQUEST FOR APPROVAL

MCS seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. The implementation of this Agreement complies fully with Section 252(e) of the

Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, and increases customer choices for telecommunications services after MCS is certificated and has effective tariffs.

MCS respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between competitors, and intervention by other parties is neither necessary nor appropriate.

V. STANDARD OF REVIEW

The statutory standards of review are set forth in Section 252(e) of the Federal Act which provides as follows:

(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 to 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; or

VI. MISSOURI LEGISLATION

The negotiated and executed Agreement is consistent with Chapter 392, RSMo 1994 as amended by S.B. 507 of the Missouri Laws of 1996 and effective August 28, 1996. After certification and the approval of tariffs, MCS will be allowed to provide the customer with increased choices.

VII. CONCLUSION

For the reasons set forth above, MCS respectfully prays that the Commission approve the Agreement expeditiously.

Respectfully submitted,

COMM SOUTH COMPANIES, INC. d/b/a
MISSOURI COMM SOUTH, INC.

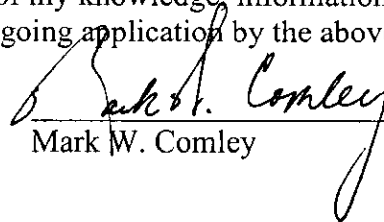
By: 

Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
573/634-2266 (Telephone)
573/636-3306 (FAX)

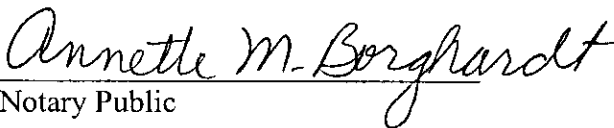
ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for Comm South Companies, d/b/a Missouri Comm South, Inc., Applicant in the above captioned proceeding; that I have read the above and foregoing Application and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.


Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 19th day of January, 2000.


Notary Public

My Commission expires:

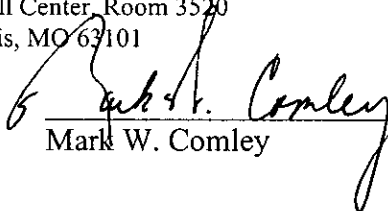
ANNETTE M. BORGHARDT
Notary Public
State of Missouri
Commission Expires 3/11/02
Cole County, MO

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivered, on this 19th day of January, 2000, to:

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

Anthony K. Conroy
Attorney at Law
One Bell Center, Room 3520
St. Louis, MO 63101


Mark W. Comley

Attachment I

Corporate Certificate

No. F00428314

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION

CERTIFICATE OF CORPORATE GOOD STANDING - FOREIGN CORPORATION

I, REBECCA McDOWELL COOK, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

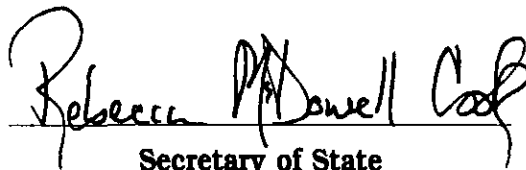
COMM SOUTH COMPANIES, INC.

using in Missouri the name

COMM SOUTH COMPANIES, INC.

a TEXAS corporation filed its Evidence of Incorporation with this State on the 28th day of JUNE, 1996, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 18th day of JANUARY, 2000.


Secretary of State

