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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Focal)
Communications Corporation of Missouri for a)
Certificate of Service Authority to Provide)
Basic Local Telecommunications Service)
in the State of Missouri, and to Classify)
Said Services as Competitive)
Case No. TA-99-403

SECOND ORDER GRANTING ADDITIONAL TIME TO FILE
PROCEDURAL SCHEDULE OR STIPULATION AND AGREEMENT

On March 25, 1999, Focal Communications of Missouri (Focal) filed an application for authority to provide switched and dedicated, resold and facilities-based basic local telecommunications services in the state of Missouri. On March 30, 1999, the Commission issued notice and schedule of applicants, directing interested parties to file applications to intervene no later than April 29, 1999.

On April 2, 1999, Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene. On May 5, 1999, the Commission issued its *Order Granting Intervention and Directing Filing of Procedural Schedule*, allowing SWBT to intervene and ordering that a procedural schedule be filed no later than June 4, 1999.

On June 3, 1999, Focal filed its *Request for Additional Time to File Stipulation and Agreement*. Focal stated that it was confident that the parties would be successful in negotiating a stipulation and agreement. However, Focal stated the press of other business had delayed the negotiations. Focal stated that the parties should be able to

complete and file a stipulation and agreement no later than June 25, 1999. Focal also stated that the Staff of the Missouri Public Service Commission (Staff) and SWBT did not oppose the request for additional time. On June 16, 1999, the Commission granted the parties until June 25, 1999, to file a stipulation and agreement or a procedural schedule.


On June 25, 1999, Focal filed the its second *Request for Additional Time to File Stipulation and Agreement*. Focal stated that on June 15, 1999, the Commission entered its *Order Establishing Case and Directing Notice*, creating Case No. TO-99-596, styled: In the Matter of Access Rates to be Charged by Competitive Local Exchange Telecommunications Companies, in which the Commission expressed its concern with the possible anti-competitive effect of the access rate cap provision contained in the "standard" stipulation and agreement entered into in competitive local exchange company application cases. Focal stated that it desired additional time to attempt to negotiate a stipulation and agreement regarding its application in the present case, which takes into consideration the pendency of the access rate investigation in TO-99-596. Focal also stated that the Staff did not oppose the request for additional time. Focal requested a continuance until July 16, 1999, to file a stipulation and agreement or procedural schedule.

Due to the complexity of this matter, the Commission will grant the parties until August 27, 1999, to file a stipulation and agreement or procedural schedule.

IT IS THEREFORE ORDERED:

1. That the parties shall file a proposed procedural schedule no later than 3:00 PM on August 27, 1999. The procedural schedule shall include dates for the filing of testimony and for a hearing.
2. That this order shall become effective on July 12, 1999.

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 pursuant to
4 CSR 240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 30th day of June, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION