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4/27/98
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In re the Master Resale Agreement)
for United Telephone Company of)
Missouri d/b/a Sprint and Max-Tel)
Communications, Inc.)
Case No. TO-98-482

ORDER AND NOTICE AND AMENDMENT TO CASE CAPTION

Sprint Missouri, Inc. (Sprint Missouri) and Max-Tel Communications, Inc. (Max-Tel) filed an application with the Commission on April 27, 1998, for approval of a Master Resale Agreement under the provisions of the Federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to non-party carriers and is consistent with the public interest. The applicants request expeditious approval of the agreement.

The Act provides that an interconnection 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. 47 U.S.C. § 252(e).

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing whether this agreement meets the federal standards for approval of interconnection agreements. 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. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

Section 252(e)(4) of the Act provides that if the Commission has not approved or rejected an agreement within ninety days after submission, the agreement shall 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 verified petition. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

The Commission notes that the caption of the case and the resale agreement refer to "United Telephone Company of Missouri d/b/a Sprint," although the body of the application refers to "Sprint Missouri, Inc." United Telephone Company of Missouri d/b/a Sprint changed its corporate name to Sprint Missouri, Inc. on December 29, 1997 in Case No. TO-98-107. The Commission will therefore amend the style of the case to refer to Sprint Missouri, Inc. d/b/a Sprint instead. The Commission will also require the parties to file an amended resale agreement that correctly references the corporate name of Sprint Missouri, Inc. within ten days.

IT IS THEREFORE ORDERED:

1. That the Records Department shall amend the caption of this case to read: "In re the Master Resale Agreement for Sprint Missouri, Inc. d/b/a Sprint and Max-Tel Communications, Inc."

2. That Sprint Missouri, Inc. and Max-Tel Communications, Inc. shall file an amended resale agreement with the Commission no later than May 11, 1998.

3. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.

4. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than May 18, 1998, with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and send copies to:

Linda K. Gardner, Attorney for Sprint Missouri
5454 West 110th Street
Overland Park, Kansas 66211

Charles Brent Stewart, Attorney for Max-Tel
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201

5. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than June 15, 1998.

6. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefore no later than June 29, 1998.

7. That this order shall become effective on April 28, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Elaine E. Bensavage, 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 28th day of April, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION