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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Joint Application of Southwestern)
Bell Telephone Company and LDD, Inc.)
for Approval of Resale Agreement)
Under the Telecommunications Act of)
1996.)

CASE NO. TO-98-492

ORDER AND NOTICE

Southwestern Bell Telephone Company (SWBT) and LDD, Inc. (LDD) filed an Application with the Commission on May 1, 1998, for approval of a resale agreement between them 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 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.

IT IS THEREFORE ORDERED:

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

2. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than June 1, 1998 with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

Mark W. Comley
Newman, Comley & Ruth P.C.
Post Office Box 537
Jefferson City, Missouri 65102

Leo J. Bub
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101

3. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than June 30, 1998.

4. 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 July 10, 1998.

5. That this order shall become effective on May 12, 1998.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

L. Anne Wickliffe, Deputy Chief
Administrative 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 12th day of May, 1998.

COMMUNICATIONS SECTION
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**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**