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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 13th
day of October, 1998.

In the Matter of the Petition of Birch)
Telecom of Missouri, Inc. for Arbitration)
of the Rates, Terms, Conditions and)
Related Arrangements for Interconnection)
with Southwestern Bell Telephone Company.)

Case No. TO-98-278

ORDER GRANTING MOTION FOR CLARIFICATION

The Commission entered an Arbitration Order in this case on April 23, 1998. One provision of that Arbitration Order directed the parties to file an executed copy of the interconnection agreement between Birch Telecom of Missouri, Inc. (Birch) and Southwestern Bell Telephone Company (SWBT) with the Commission no later than May 25. Such interconnection agreement was filed with the Commission on May 26.

Section 252(e)(4) of the Telecommunications Act of 1996 provides that "if the State commission does not act to approve or reject the [interconnection] agreement within 90 days after submission by the parties of an agreement adopted by negotiation under subsection (a) or within 30 days after submission by the parties of an agreement adopted by arbitration under subsection (b), the agreement shall be deemed approved." The Commission took no action regarding the submitted interconnection agreement. On June 30, SWBT filed a Motion for Clarification which requested that the Commission clarify whether the interconnection agreement submitted by SWBT and Birch on May 26 is an agreement adopted by arbitration which has now been deemed approved, or

is an agreement by negotiation which is subject to review by the Commission prior to August 25.

The interconnection agreement between Birch and SWBT was the result of an arbitration order and therefor was deemed approved without Commission action 30 days after the submission of the interconnection agreement (June 25). Even if the interconnection agreement were to be treated as having resulted from negotiation, it would have been deemed approved 90 days after submission (August 25). Under either interpretation the interconnection agreement is now deemed approved by operation of law.

IT IS THEREFORE ORDERED:

1. That the Motion for Clarification filed by Southwestern Bell Telephone Company on June 30, 1998 is granted as addressed in this order.

2. That the interconnection agreement between Birch Telecom of Missouri, Inc. and Southwestern Bell Telephone Company was the result of arbitration and was deemed approved on June 25, 1998.

3. That this order shall become effective on October 23, 1998.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer and Drainer, CC., concur.

Woodruff, Regulatory Law Judge