

BB

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 25th day of September, 1997.

In the Matter of the Application of Ameritech )  
Communications, Inc. for a Certificate of Local )  
Exchange Service Authority to Provide and/or ) **Case No. TA-96-415**  
Resell Basic Local Telecommunications Service )  
and Local Exchange Telecommunications Service. )  
)

**ORDER SUSPENDING TARIFF**

Ameritech Communications International, Inc. (ACII) submitted a tariff filing (File No. 9800164) to the Commission for approval on August 27, 1997, with an effective date of September 26. ACII submitted substitute sheets on September 12 and 16. On September 19, ACII extended the effective date to October 1 and submitted a replacement Original Title Sheet for the tariff. ACII's filing is submitted pursuant to the Commission's February 28 Report and Order that granted ACII a certificate of service authority to provide local telecommunications services subject to the conditions stated in the Report and Order.

The February 28 Report and Order temporarily waived the filing of a 45-day tariff as required by 4 CSR 240-2.060(4)(H) until ACII entered into a Commission-approved interconnection agreement that enabled it to provide basic local exchange services, and ordered ACII to file tariff sheets for approval no later than 30 days after the Commission approves the required interconnection agreement(s). ACII has now executed an interconnection agreement with Southwestern Bell Telephone Company (SWBT), which was submitted to the Commission on August 12. The Commission has not yet

approved or otherwise ruled on this interconnection agreement, which is the subject of Case. No. TO-98-61.

On September 19, apparently prior to receiving the substitute Original Title Sheet filed by ACII on the same date, the Staff of the Commission (Staff) filed its recommendation to approve the tariff submitted by ACII. Staff noted that Case No. TO-98-61 is pending, but nevertheless recommended approval of the tariff. The substitute Original Title Sheet filed by ACII on September 19 states that ACII will not provide service pursuant to the tariff "until its interconnection agreement with [SWBT] is approved by the . . . Commission." Staff filed a supplemental recommendation on September 22 that reflected Staff's receipt and review of ACII's September 19 filing. Staff again recommended approval of the tariff at issue, suggesting that it would be appropriate to approve the tariff without an approved interconnection agreement in place, because the tariff does not permit ACII to begin providing service until an approved interconnection agreement is in place.

The Commission has reviewed ACII's tariff filing, the case papers in Case Nos. TA-96-415 and TO-98-61, and Staff's original and supplemental recommendations. The Commission finds that approval of the tariff is inappropriate in that approval of the tariff necessarily depends upon approval of ACII's interconnection agreement with SWBT. Pursuant to the federal Telecommunications Act of 1996 ("the Telecommunications Act"), 47 U.S.C. Sections 252(e)(2)(A) and 252(e)(4), the Commission has jurisdiction until November 10 (90 days after the submission of the interconnection agreement to the Commission) to determine whether the agreement or any portion thereof discriminates against a telecommunications carrier not a party to the agreement, or whether the implementation or any

portion thereof is inconsistent with the public interest, convenience, and necessity.

The substitute tariff language filed by ACII on September 19, which would prohibit ACII from providing service under the tariff "until the interconnection agreement with [SWBT] is approved by the . . . Commission" does not enable the Commission to approve the tariff at this time. ACII has used tariff language suggesting that ACII assumes that the Commission *will approve* the interconnection agreement, as if the Commission's review is not substantive. In fact, the Commission will determine whether the interconnection agreement meets the requirements of the Telecommunications Act before approving or rejecting the agreement. Without knowing whether the underlying interconnection agreement meets the requirements of the Telecommunications Act, the Commission cannot meaningfully review any tariff on which it is based or determine the sufficiency of such tariff.

The Commission finds that the issues in Case No. TO-98-61, involving ACII's interconnection agreement with SWBT, must be resolved before ACII's tariff can be reviewed for compliance with the applicable statutes and rules. The proposed tariff should be suspended in its entirety for at least 60 days following the date on which the Commission loses its jurisdiction over Case No. TO-98-61, to permit ACII to refile its tariff if necessary and for Staff to make recommendations on any new or revised tariff provisions. The Commission finds that the entire proposed tariff should be suspended for 120 days beyond the effective date of October 1 to January 29, 1998, or until otherwise ordered by this Commission.

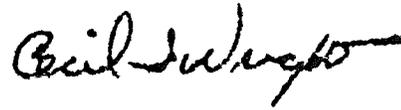
**IT IS THEREFORE ORDERED:**

1. That the effective date of the following tariff, submitted on August 27, 1997, by Ameritech Communications International, Inc. is suspended for 120 days to January 29, 1998, or until otherwise ordered by this Commission:

**P.S.C. Mo. No. 2**

2. That this order shall become effective on September 25, 1997.

**BY THE COMMISSION**



**Cecil I. Wright  
Executive Secretary**

( S E A L )

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

ALJ: Randles