

12/17

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
JATO Communications Corp. for a)	
Certificate of Service Authority to)	
Provide Basic Local Telecommunications)	<u>Case No. TA-99-148</u>
Services and Exchange Access)	
Telecommunications Services in)	
the State of Missouri.)	

ORDER GRANTING INTERVENTION, SETTING A PREHEARING CONFERENCE
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

JATO Communications Corp. (JATO) filed an application on October 13, 1998, for a certificate of service authority to provide basic local telecommunications services and exchange access telecommunications service in the State of Missouri. JATO wishes to provide basic local telecommunications services and exchange access services in the exchanges currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated (GTE), and Sprint Missouri, Inc. d/b/a Sprint (Sprint). The Commission issued an order and notice, directing interested parties to file applications to intervene no later than November 26, 1998.

SWBT timely filed an application to intervene. SWBT stated that it has a direct interest in the Commission's decision regarding JATO's application because JATO will be in direct competition with SWBT. SWBT states that its interest as a provider of basic local exchange

service differs from that of the general public. SWBT further states that its intervention would be in the public interest because of its expertise in the telecommunications industry.

The Commission has reviewed the application and finds that it is in substantial compliance with Commission rules regarding intervention and that the applicant has an interest in this matter that is different from that of the general public. The Commission concludes that the request for intervention should be granted and that the parties should file a proposed procedural schedule. In order to assist in the development of the procedural schedule and to clarify the issues in dispute, an early prehearing conference will be scheduled. The procedural schedule shall include dates for the filing of testimony and for a hearing. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2D 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That an early prehearing conference shall be held on January 14, 1999, beginning at 10:00 a.m. The prehearing conference shall be held at the Commission's office on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed

by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing conference at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That the parties shall file a proposed procedural schedule no later than January 21, 1999. The procedural schedule shall include dates for the filing of testimony and for a hearing.

4. That this order shall become effective on December 17, 1998.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts", written in a cursive style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 7th day of December, 1998.

RECEIVED

DEC 03 1998

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION