

B ✓
KPK
20
W

7/13

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Megsinet-CLEC,)
Inc. for a Certificate of Service Authority to)
Provide Resold Basic Local Telecommunications) Case No. TA-98-524
Service in Portions of the State of Missouri and)
for Competitive Classification.)

ORDER GRANTING INTERVENTION
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

Megsinet-CLEC, Inc. (Megsinet) filed an application on May 21, 1998 for a certificate of service authority to provide basic local telecommunications service in the State of Missouri under 4 CSR 240-2.060(4). Megsinet wishes to provide resold services in all the exchanges currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated (GTE) and Sprint Missouri, Inc. (Sprint). The Commission issued an order and notice, directing interested parties to file applications to intervene no later than June 25.

SWBT filed a timely application to intervene. SWBT states that it has a direct interest in the Commission's decision in this case because it provides basic local exchange services and will be in direct competition with this company if the certificate is granted. SWBT argues that no other party will adequately protect its interests in this matter and that its intervention would be in the public interest because of SWBT's expertise and experience in the telecommunications industry.

The Commission has reviewed the application to intervene and finds that it is in substantial compliance with Commission rules regarding intervention and that SWBT has an interest in this matter which is different from that of the general public. The Commission concludes that SWBT's request for intervention should be granted and that the

parties should file a proposed procedural schedule. The procedural schedule must include either dates for the filing of testimony and for a hearing, or a date for the filing of a stipulation and agreement.

The requirement for a hearing is met when the opportunity for hearing 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). If no one requests a hearing in this case, the Commission may grant the relief requested based on the verified application.

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 the parties shall file a proposed procedural schedule no later than August 12, 1998. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a stipulation and agreement.

3. That this order shall be effective on July 13, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, 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 13th day of July, 1998.