

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Buy-Tel)
 Communications, Inc., for a Certificate of)
 Service Authority to Provide Basic Local) Case No. TA-99-548
 Telecommunications Services in Portions of)
 the State of Missouri and Classify Said)
 Services as Competitive.)

ORDER GRANTING INTERVENTION
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

Buy-Tel Communications, Inc. (Buy-Tel), applied to the Commission on May 10, 1999, for a certificate of service authority to provide basic local telecommunications services in portions of the State of Missouri under Sections 392.420-.440, RSMo 1994,¹ and Sections 392.410 and 392.450, RSMo Supp. 1998. Buy-Tel asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Buy-Tel is a Texas corporation authorized to do business in the State of Missouri and its principal office is 6409 Colleyville Boulevard Post Office Box 1170, Colleyville, Texas 76034.

The Commission issued a notice and schedule of applicants on May 18, 1999, directing interested parties wishing to intervene to do so by June 17, 1999.

¹ All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene on May 26, 1999. No one else filed to intervene. SWBT states that it is a Missouri corporation duly authorized to conduct business in Missouri. SWBT states that it is a "local exchange telecommunications company" and a "public utility," as each of those phrases is defined in Section 386.020, and is authorized to provide telecommunications services in Missouri. SWBT states that Buy-Tel's basic local telecommunications services will be offered in direct competition with SWBT if Buy-Tel's application is granted. SWBT also states that it has a direct interest in the Commission's decision on Buy-Tel's application, but that SWBT does not have sufficient information either to support or oppose Buy-Tel's application. SWBT further states that its interests as a provider of basic local exchange telecommunications service differ from those of the general public so that no other party can adequately protect SWBT's interest. SWBT's intervention is in the public interest because SWBT will bring its extensive expertise and experience as a telecommunications provider.

The Commission has reviewed the application of SWBT and finds that it is in substantial compliance with Commission rules regarding intervention (i.e., 4 CSR 240 2.075²) and that SWBT has an interest in

² This rule was not cited by SWBT. 4 CSR 240-2.060(1)(D) states in part that all applications shall include "[r]eference to the . . . authority under which relief is requested."

this matter that is different from that of the general public. The Commission concludes that this request for intervention should be granted and that the parties should file a proposed procedural schedule. 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 the parties shall file a proposed procedural schedule no later than August 10, 1999. The procedural schedule shall include dates for the filing of testimony and for a hearing.
3. That this order shall become effective on July 30, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 30th day of July, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION