

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of XO Communications Services, Inc.,)
f/k/a XO Missouri, Inc., and Allegiance Telecom of)
Missouri, Inc., for Approval of an Amendment to its)
Interconnection Agreement with Southwestern Bell)
Telephone, L.P., d/b/a SBC Missouri, pursuant to)
§ 252(e) of the Telecommunications Act of 1996.)

Case No. TK-2005-0504

ORDER DIRECTING NOTICE AND ADDING A PARTY

Issue Date: July 27, 2005

Effective Date: July 27, 2005

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, Southwestern Bell Telephone, L.P., doing business as SBC Missouri (SBC), as a party to this proceeding.

On June 27, 2005, XO Communications Services, Inc., formerly known as XO Missouri, Inc., and Allegiance Telecom of Missouri, Inc., (XO Communications) filed an application with the Commission for approval of an amendment to an interconnection agreement with SBC under the provisions of the federal Telecommunications Act of 1996. XO Communications states that there are no unresolved issues and that the amendment complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest. XO Communications requests approval of the agreement.

Although SBC is a party to the amended agreement, it did not join in the application. Because SBC is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The amendment is not one that this Commission has previously approved; therefore, it is treated like a new interconnection agreement. The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.¹ Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously. The Commission finds that proper persons should be allowed 10 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS THEREFORE ORDERED:

1. That the Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. That Southwestern Bell Telephone, L.P., doing business as SBC Missouri, is made a party to this case. The Commission's Data Center shall add its counsel to the service list maintained for this case.
3. That any party wishing to request a hearing shall do so by filing a pleading no later than August 8, 2005, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

¹ 47 U.S.C. § 252(e).

and send copies to:

Carl J. Lumley
Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 South Bemiston, Suite 200
Clayton, Missouri 63105

Paul G. Lane.
SBC Missouri
One SBC Center, Room 3520
St. Louis, Missouri 63105

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than August 15, 2005.

5. That this order shall become effective on July 27, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kevin A. Thompson, Deputy Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of July, 2005.