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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**


MAY 28, 1997

CASE NO: TO-97-460

**Albert S. Watkins, Kodner, Watkins, Muchnick & Dunne, Old Town Executive Office Bldg.,
168 N. Meramec Ave., Suite 200, St. Louis, MO 63105-3758
Paul G. Lane, Leo J. Bub, Diana J. Harter, Anthony K. Conroy, Southwestern Bell
Telephone Company, 100 N. Tucker Blvd., Room 630, St. Louis, MO 63101**

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



**Cecil I. Wright
Executive Secretary**

Uncertified Copy:

Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102

OF THE STATE OF MISSOURI

Case No. TO-97-460

REQUESTS FOR HEARING, AND STAFF RECOMMENDATION

Midwestern Services L.C. d/b/a Midwestern Tel (MWS) filed an Application with the Commission on April 21, 1997, for approval of a Resale Agreement between MWS and Southwestern Bell Telephone Company (SWBT) under the provisions of the Telecommunications Act of 1996 (the Act). The Commission issued an Order and Notice on April 28 directing parties wishing to participate without intervention to request permission no later than May 19. SWBT filed an Application to Intervene on May 1, stating that it has a direct interest in this proceeding since it is a party to the Resale Agreement.

The Commission has reviewed the application 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's Order and Notice stated that only participation, and not intervention, would be permitted in this case. However, SWBT is in a different position from other potential participants since it is a party to the agreement. The Commission concludes that the request for intervention should be granted. If either of the parties wishes a hearing, the request must be filed no later than June 18. If no

party requests a hearing, the Commission may approve the Resale Agreement upon Staff recommendation 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:

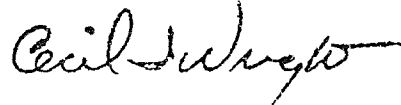
1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That any party wishing a hearing, or wishing to file comments regarding whether this agreement meets the federal standards for approval of interconnection agreements shall file its request for hearing or comments no later than June 18, 1997.

3. That the Commission Staff shall file a memorandum regarding whether this agreement meets the federal standards for approval of interconnection agreements no later than June 27, 1997.

4. That this order shall become effective on the date hereof.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

L. Anne Wickliffe, Deputy Chief
Administrative 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 28th day of May, 1997.