

B  
CD  
AG  
R2

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 30th  
day of December, 1994.

In the matter of the Joint Application )  
of GTE Midwest Incorporated and BPS )  
Telephone Company for authority to transfer )  
and acquire part of GTE Midwest Incor- ) Case No. TM-95-135  
porated's Missouri franchise, facilities or )  
system located in the state of Missouri. )

ORDER GRANTING INTERVENTION OUT OF TIME

On October 21, 1994, GTE Midwest Incorporated (GTE) and BPS Telephone Company (BPS) (Joint Applicants) filed their Joint Application for authority to transfer assets from GTE to BPS. On November 21, 1994, the Commission issued its Order and Notice in which it established December 21, 1994, as the deadline for any applications for intervention.

On December 22, 1994, Southwestern Bell Telephone Company (SWBT) filed its Application to Intervene. SWBT is a "local exchange telecommunications company" and "public utility" as those terms are defined in §386.020, RSMo Supp. 1993. SWBT stated in its application that it purchases access from GTE in the exchange which would be affected by this docket. To the extent that this docket may address the current or future level of access rates to be charged in the exchanges affected by this docket, SWBT has an interest which differs from the general public. On December 27, 1994, SWBT filed its request for leave to intervene out of time in which it stated that it had not received direct notice of this docket and for that reason, its request to intervene was filed one (1) day out of time.

The Commission has reviewed the Applications for Intervention in the above-referenced case, the underlying application (of the Joint

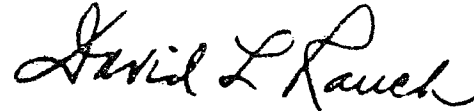
R

Applicants) and the entirety of the file and makes the following findings of fact. The Commission finds that SWBT's application for intervention has stated an interest distinguishable from the interests of the public generally which may be relevant to this proceeding. The appropriate standard for intervention, as it applies to this case, is set out at 4 CSR 240-2.110(11), (13) and (14). The Commission finds that the application to intervene meets the requirements of this standard and the Commission further finds that the request for leave to intervene one (1) day out of time may be granted without detriment to any party or delay to this docket. The Commission will grant intervention to SWBT.

**IT IS THEREFORE ORDERED:**

1. That the Application to Intervene Out of Time of Southwestern Bell Telephone Company is hereby granted.
2. That this order shall become effective on the date hereof.

BY THE COMMISSION



David L. Rauch  
Executive Secretary

(S E A L)

McClure, Perkins, Kincheloe  
and Crumpton, CC., Concur.  
Mueller, Chm., Absent.