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**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 15th  
day of July, 1997.

In the Matter of the Application of Brooks Fiber       )  
Communications of Missouri, Inc. for Approval of       ) Case No. TO-97-334  
an Interconnection Agreement Under the Telecom-       )  
munications Act of 1996.                                       )

In the Matter of the Application of Brooks Fiber       )  
Communications of Missouri, Inc. for Approval of       ) Case No. TO-97-304  
a Resale Agreement Under the Telecommunications       )  
Act of 1996.   )

**ORDER GRANTING REHEARING, CONSOLIDATING CASES,  
AND APPROVING RESALE APPENDIX**

Brooks Fiber Communications of Missouri, Inc. (formerly known as  
Brooks Fiber Communications of Kansas City, Inc.)<sup>1</sup> (Brooks Fiber) and  
Southwestern Bell Telephone Company (SWBT) filed an application for  
approval of a Resale Agreement between them in Case No. TO-97-304 on  
February 7, 1997. While that application was pending, on February 19, the  
same parties filed an application for approval of an Interconnection  
Agreement in Case No. TO-97-334. The proposed Interconnection Agreement  
included a Resale Appendix that the parties sought to have approved in lieu  
of the Resale Agreement filed in TO-97-304.

Rather than move for consolidation of the two cases or for  
dismissal of Case No. TO-97-304, the parties allowed both cases to proceed.

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<sup>1</sup> The Commission acknowledged the change of name in its Order Approving  
Tariff and Acknowledging Name Change issued on July 8, 1997, in Case  
No. TA-96-438.

The Commission approved the Resale Agreement in Case No. TO-97-304 on April 18. The Commission's order included a directive that any amendments or modifications to the Resale Agreement be submitted for approval pursuant to standard procedures set out in detail in the order.

The Staff of the Commission (Staff) filed a memorandum in Case No. TO-97-334 on May 9, recommending that the Interconnection Agreement be approved and that the Resale Appendix thereto be approved as a substitute for the Resale Agreement approved only 21 days earlier. The Commission issued its order in TO-97-334 on May 15 approving the Interconnection Agreement but rejecting the Resale Appendix for failure to comply with the Commission's order regarding modifications issued in TO-97-304.

Brooks Fiber filed two pleadings on May 27: an application for rehearing of the order rejecting the Resale Agreement, and a motion to consolidate TO-97-304 with TO-97-334. Brooks asked the Commission to grant rehearing, approve the Resale Appendix (Case No. TO-97-334) as a substitute for the Resale Agreement (Case No. TO-97-304), and consolidate the cases so the parties' entire agreement can be in one document. No responsive pleadings were filed.

The Commission has reviewed the case papers and the pleadings of the parties, and finds that it is in the public interest to grant rehearing, consolidate these two cases, and approve the Resale Appendix (Case No. TO-97-334) as a replacement for the Resale Agreement originally approved in Case No. TO-97-304. The Commission takes this action to minimize confusion for end users and to simplify the Commission's records. The Telecommunications Act of 1996 has resulted in a proliferation of competitive telecommunications filings with the Commission. Companies wishing to participate in the competitive market would do well to proceed

in an organized and logical fashion that would avoid the type of unnecessary filings that have occurred in these cases.

**IT IS THEREFORE ORDERED:**

1. That Case No. TO-97-304 and Case No. TO-97-334 are consolidated. Case No. TO-97-334 is the lead case. Any further filings of any kind regarding the Interconnection Agreement and Resale Appendix between Southwestern Bell Telephone Company and Brooks Fiber Communications of Missouri, Inc. shall be filed in TO-97-334.

2. That the Application for Rehearing of Brooks Fiber Communications of Missouri, Inc. filed on May 27, 1997, is granted to the extent that the Resale Appendix submitted in Case No. TO-97-334 is approved and shall be effective in lieu of the Resale Agreement approved in Case No. TO-97-304.

3. That the condition for approval of the Interconnection Agreement filed in Case No. TO-97-334, i.e., that the Commission rule on the Motion for Approval of Change of Name filed in the case, has been satisfied.

4. That in all other respects, including the required procedures for modifications or amendments to approved agreements, the Commission's order in Case No. TO-97-334, issued on May 15, 1997, remains in full force and effect.

5. That this order shall become effective on July 25, 1997.

**BY THE COMMISSION**

A handwritten signature in dark ink, appearing to read "Cecil I. Wright", with a long horizontal flourish extending to the right.

**Cecil I. Wright  
Executive Secretary**

( S E A L )

Zobrist, Chm., Crumpton,  
Drainer, Murray and Lumpe,  
CC., concur.

ALJ: Wickliffe