

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

MAY 22, 1977

CASE NO: TO-97-487

**Charles Brent Stewart, French & Stewart, 1001 E. Cherry St., Suite 302, Columbia, MO 65201-7931
Paul G. Lane, Diana J. Harter, Leo J. Bub, 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,

A handwritten signature in dark ink, appearing to read "Cecil I. Wright", written in a cursive style.

**Cecil I. Wright
Executive Secretary**

Uncertified Copy:

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

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of May, 1997.

In the matter of the joint application of)
American Communications Services, Inc.)
and SWBT for approval of interconnection)
agreement under the Telecommunications)
Act of 1996.)
CASE NO. TO-97-487

ORDER DENYING MOTION FOR EXPEDITED CONSIDERATION

American Communications Services, Inc. (ACSI) filed a Motion for Expedited Consideration on May 13, 1997, asking that the Missouri Public Service Commission (Commission) expedite its approval of ACSI's interconnection agreement with Southwestern Bell Telephone Company (SWBT), which was filed with the Commission on May 6. ACSI requests that the Commission approve the interconnection agreement by May 30, or as soon thereafter as possible. In support of its motion, ACSI states that it needs to obtain approval of its interconnection agreement as close to May 30 as practically possible in order to meet existing business plan commitments and service deadlines in Missouri. ACSI contends that no party will be harmed by a grant of expedited consideration, and suggests that there is no reason to prolong this proceeding by permitting an extended notice, or scheduling evidentiary hearings.

Having reviewed ACSI's pleading, the Commission finds that it is unable to grant the motion for expedited consideration. Pursuant to Section 252 (E) (4) of the Telecommunications Act of 1996, the Commission must approve or reject an interconnection agreement within 90 days after it has been submitted to the Commission by the parties, or the agreement shall be deemed approved. Thus, the Commission is already required to act

in an expedited fashion, or risk losing its authority to disapprove the agreement. The Commission has already shortened the time period for applications to participate without intervention from the usual 30 days to 20 days. In addition, the Commission no longer routinely schedules a hearing in cases of this type. Indeed, the Commission's Order and Notice, issued on May 13, states: "[T]he Commission will proceed with this case expeditiously and, if there are no requests for a hearing, relief may be granted based on the verified petition."

ACSI is the parent corporation of American Communication Services of Kansas City, Inc. (ACS-KC), which was granted a certificate of service authority to provide basic local telecommunication services in the State of Missouri, subject to certain conditions, in Case No. TA-96-455. ACSI knew or should have known that before it could do business in Missouri its operating subsidiary ACS-KC would be required to get Commission approval of the necessary interconnection agreements and approval of a proposed tariff with a minimum 30-day effective date.¹ Moreover, ACSI's business plan commitments are within its ability to control. In contrast, a grant of expedited treatment could harm third parties, who currently have until June 2 to apply for participation under the Commission's Order and Notice issued on May 13. In addition, the Commission has a very heavy caseload, with limited resources. Some of the issues presently before the Commission are of general importance to the telecommunications industry as a whole, such as the State Universal Service Fund (USF), the Primary Toll Carrier Plan (PTC) and Community Optional Service (COS). Any effort to

¹The Stipulation and Agreement entered into by ACS-KC in Case No. TA-96-455, as well as the Commission's Report and Order in that case, require ACS-KC to file a proposed tariff with a minimum 30-day effective date, and to give notice to all the parties and participants in Case No. TA-96-455 of the tariff filing and provide a written disclosure of all interconnection agreements it has entered into which effect its Missouri service areas.

expedite the Commission's approval of ACSI's interconnection agreement with SWBT will necessarily take away time and resources necessary to process the many other basic local certificate cases and interconnection agreement cases pending before the Commission. Thus, the Commission finds that it would not be appropriate to grant ACSI's motion for expedited consideration. Nevertheless, to the extent the Commission is able to issue its order prior to the operation of law date, August 4, it will do so.

IT IS THEREFORE ORDERED:

1. That the motion for expedited consideration filed by American Communications Services, Inc. on May 13, 1997, is hereby denied.
2. That this order shall become effective on the date hereof.

BY THE COMMISSION



Cecil I. Wright
Executive Secretary

(S E A L)

ALJ: Bensavage

ALJ/Sec'y: Bl. Savage / Bridger

5-19-97
Date Circulated

TO-97-487
CASE NO.

KZ-13
Chairman

Commissioner

cm
Commissioner

albert
Commissioner

md
Commissioner

5-22-97
Agenda Date

Action taken: 3-0.A / Am

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 22nd day of May, 1997.

Cecil I. Wright
Cecil I. Wright
Executive Secretary