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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 4th day of December, 1997.

In the Matter of the Application of Southwestern Bell Telephone Company for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. Sections 214(e) and 254.)
) Case No. TO-98-191
)
)
)

**ORDER DIRECTING MCI TO FILE A STATEMENT OF POSITION
OR REQUEST FOR HEARING**

Southwestern Bell Telephone Company (SWBT) filed on November 7, 1997, an Application for Designation as Eligible Telecommunications Carrier pursuant to Section 254 of the Telecommunications Act of 1996. SWBT asked the Commission to designate it as a telecommunications carrier eligible to receive federal universal service support under 47 C.F.R. Section 54.201(d). Because funding will become contingent upon a carrier meeting the conditions set out in that regulation as of January 1, 1998, SWBT requested expedited treatment of its application. The Commission issued an Order and Notice on November 14, directing parties wishing to intervene to do so by December 1.

MCI Telecommunications Corporation (MCI) and MCImetro Access Transmission Services, Inc. (MCImetro) filed a joint application to intervene on November 21, stating that they have an interest different from that of the general public because the Commission's decision may affect their interests as purchasers of access services, and as providers and potential providers of telecommunications interexchange services. MCI and MCImetro also acclaimed their expertise in the industry as well as their

interest in enhancing competition. MCI and MCImetro stated that they neither support nor oppose the application but seek additional information so as to be able to make a determination as to their position.

The Commission has reviewed the application to intervene and finds that the joint applicants should be required to file a position statement or request for hearing immediately. The Commission's rule regarding intervention, 4 CSR 240-2.075, requires an applicant to state whether the applicant supports or opposes the relief sought. Although the Commission generally applies the rule liberally, in this case the applicants were on notice that the case would be handled on an expedited basis. The Commission does not have the leisure to permit intervention for the purpose of enabling these applicants to acquire information. The applicants, who are intervenors in Case No. TO-98-49 which requests similar relief for small Missouri local exchange carriers, were specifically put on notice in that case that the Commission would be proceeding expeditiously and expected parties to make their positions known.¹ MCI and MCImetro shall be directed to advise the Commission of their position and whether they are requesting a hearing, before the Commission will rule on the application to intervene.

IT IS THEREFORE ORDERED:

1. That MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc. shall file with the Commission a statement

¹ See In the Matter of the Application of the Mid-Missouri Group and the Small Telephone Company Group of Incumbent Local Exchange Companies for Designation as Telecommunications Company Carriers Eligible for Federal Universal Service Support Pursuant to Section 254 of the Telecommunications Act of 1996, Case No. TO-98-49, Order Granting Interventions, Setting Early Prehearing Conference, and Giving Notice of Appearances issued on September 18, 1997. See also the transcript of the prehearing conference conducted in the same case on October 1, 1997.

setting out their position regarding Southwestern Bell Telephone Company's application and stating whether they are requesting a hearing on this matter no later than Tuesday, December 9, 1997.

2. That this order shall become effective on December 4, 1997.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Wickliffe, Deputy Chief Regulatory Law Judge