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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In re: the Master Resale Agreement of Sprint)
Missouri, Inc. d/b/a Sprint and Choctaw Communi-) Case No. TO-2000-495
ications, Inc. d/b/a Smoke Signal Communications)

ORDER DIRECTING NOTICE AND REQUIRING FILING

Sprint Missouri, Inc. d/b/a Sprint (Sprint) and Choctaw Communications, Inc. d/b/a Smoke Signal Communications (Choctaw) (collectively, Applicants) filed their Application with the Missouri Public Service Commission (Commission) on February 14, 2000, for approval of a master resale agreement (Agreement) between Sprint and Choctaw under the federal Telecommunications Act of 1996 (the Act). The Applicants stated that there were no outstanding issues related to resale or interconnection between Sprint and Choctaw.

The Act provides that a master resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e).

The Commission finds that proper persons should be allowed twenty (20) days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing

whether this agreement meets the federal standards for approval of master resale agreements. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within ninety (90) days after submission, the agreement shall be deemed approved. Therefore, the 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. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

William Wunderlich, attorney for Choctaw, signed the application without disclosing his Missouri Bar enrollment number in violation of Missouri rule of civil procedure 55.03(a). The Commission will order that he comply with this rule.

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.
2. That William Wunderlich shall file a pleading no later than March 6, 2000 at 3:00 p.m. disclosing his Missouri Bar enrollment number.

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than March 20, 2000 with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

and send copies to:

Linda K. Gardner, Esq.
Sprint Missouri, Inc. d/b/a Sprint
5454 W. 110th Street
Overland Park, Kansas 66211

and:

William Wunderlich, Esq.
Attorney at Law
Choctaw Communications, Inc.
d/b/a Smoke Signal Communication
1504 Gravois
High Ridge, Missouri 63049

and:

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

4. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than 3:00 p.m. on April 13, 2000.

5. That this order shall become effective on March 10, 2000.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Dale H. Roberts".

Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

Bill Hopkins, Senior Regulatory 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 29th day of February, 2000.