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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Adoption of the GTE/       )  
AT&T Communications of the Southwest, Inc.       )  
Interconnection Agreement by Teleport       ) Case No. TO-2000-488  
Communications Group Inc./TCG St. Louis and       )  
TCG Kansas City, Inc., Pursuant to Section       )  
252(i) of the Telecommunications Act of 1996       )

**ORDER DIRECTING NOTICE**  
**AND MAKING TELEPORT COMMUNICATIONS GROUP INC.**  
**/TCG ST. LOUIS AND TCG KANSAS CITY, INC. A PARTY**

On February 9, 2000, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed an Application with the Missouri Public Service Commission (Commission) for the approval of the adoption of an interconnection agreement with Teleport Communications Group Inc./St. Louis and Kansas City, Inc. (TCG) under the provisions of Section 252(i) of the Federal Telecommunications Act of 1996 (the Act). GTE states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

GTE nowhere makes reference in its Application that GTE and TCG currently have an interconnection agreement which the Commission approved

on December 2, 1998, in case number TO-99-204<sup>1</sup>. Nonetheless, if the Commission approves the interconnection agreement in this case, the existing interconnection agreement will be canceled.

The Act provides that an interconnection 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).

In its Application, GTE stated that, pursuant to Section 252(i) of the Act, TCG notified GTE that TCG desired to adopt the terms of the interconnection agreement between GTE and AT&T Communications of the Southwest, Inc., approved by the Commission in case number TO-97-63. Section 252(i) of the Act states:

A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

Although TCG is a party to the agreement, it did not join in the application. Because TCG is a necessary party to a full and fair adjudication of this matter, the Commission will make TCG a party to this case.

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<sup>1</sup> This fact is mentioned in GTE's cover letter; however, the Commission rules make it clear that cover letters are not pleadings. The better practice would be for an applicant requesting that the Commission allow it to replace a prior interconnection agreement refer to that fact in its pleadings.

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 interconnection 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.

**IT IS THEREFORE ORDERED:**

1. That the Records Department of the Missouri Public Service Commission shall send notice to all interexchange and local exchange telecommunications companies.

2. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than March 7, 2000 with:

Dale Hardy Roberts, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri, 65102-0360

and send copies to:

Tracy D. Pagliara, Esq.  
GTE Midwest Incorporated  
GTE Arkansas Incorporated  
601 Monroe Street  
Suite 304  
Jefferson City, Missouri 65101-03202

Legal Department  
Teleport Communications Group Inc./St. Louis and Kansas City,  
Inc.  
515 Cleveland, Suite C  
Monett, Missouri 65708

and:

Office of the Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102

3. 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 April 17, 2000.

4. That Teleport Communications Group Inc./St. Louis and Kansas City, Inc. is made a party to this case.

5. That this order shall become effective on February 28, 2000.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale H. Roberts". The signature is written in a cursive, slightly slanted style.

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 16th day of February, 2000.