

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

In the Matter of the Adoption of the )  
GTE/A&T& Communications of the Southwest, )  
Inc. Interconnection Agreement by Fidelity ) Case No. TO-2000-758  
Communications Services II, Inc. Pursuant )  
to Section 252(i) of the Telecommuni- )  
cations Act of 1996 )

**ORDER DIRECTING FILING**

On May 15, 2000, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed a pleading entitled Adoption of Interconnection Agreement with the Commission. GTE stated that Section 252(i) of the Telecommunications Act of 1996 (the Act) provides as follows:

(i) Availability to Other Telecommunications  
Carriers. -

A local exchange carrier shall make available any interconnection services, 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.

GTE stated that Fidelity Communications Services II, Inc. (FCSII) notified GTE that it desired to adopt the terms of the interconnection agreement between GTE and AT&T Communications of the Southwest, Inc.

(AT&T) approved by the Commission in Case<sup>1</sup> No. TO-97-63 on July 22, 1998. A copy of the Commission's July 22, 1998 Order Approving Interconnection Agreement in Case No. TO-97-63 was attached to the pleading and marked as Exhibit 2. A copy of the approved interconnection agreement between GTE and AT&T was attached to the pleading as Exhibit 3.

GTE also stated that it was not voluntarily entering the terms with FCSII and does not waive any rights and remedies it has concerning its position as to the illegality or unreasonableness of the terms. GTE referred to several court of appeals decisions and one decision from the Supreme Court of the United States but no citations were provided. GTE made no request for relief from the Commission and cited no statutory authority or rule that required filing of the adopted interconnection agreement.

It has been the practice of parties, including GTE, when adopting an interconnection agreement previously approved by the Commission pursuant to Section 252(i) of the Act to file a request for approval of the adoption of the interconnection agreement. GTE does not request approval from the Commission in its pleading entitled Adoption of Interconnection Agreement. GTE does not explain why it is no

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<sup>1</sup>Docket "...in [American English] means 'a schedule of cases pending.' ...Docket may be used as a verb in [American English]. E.g., 'The case was docketed and tried shortly thereafter.'/'Thereafter he has either 60 or 90 days in which to docket the case with the Supreme Court....' Charles A. Wright, *The Law of Federal Courts* 755 (4<sup>th</sup> ed. 1983)." (Emphasis in original.) Bryan A. Garner, *A Dictionary of Modern Legal Usage* 289 (2<sup>nd</sup> ed. 1995). The individual cause is a "case" not a "docket."

longer seeking approval of the Commission for adoption of an previously approved Interconnection Agreement.

The Commission finds that GTE should identify why it is no longer seeking approval for adoption of its interconnection agreements.

Also, Commission rule 4 CSR 240-2.060 requires the following information among the requirements for all applications filed with the Commission:

(1)(B) If any applicant is a Missouri corporation, a Certificate of Good Standing from the secretary of state;

(1)(C) If any applicant is a foreign corporation, a certificate from the secretary of state that it is authorized to do business in Missouri;

(1)(D) If any applicant is a partnership, a copy of the partnership agreement;

(1)(E) If any applicant does business under a fictitious name, a copy of the registration of the fictitious name with the secretary of state;

(1)(G) If any applicant has submitted the applicable information as set forth in subsections (1)(B)-(F) of this rule in a previous application, the same may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct;

(1)(K) A statement indicating whether the applicant has any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application; and

(1)(L) A statement that no annual report or assessment fees are overdue.

In addition, Commission rule 4 CSR 240-2.080(3) requires that each pleading include "a clear and concise statement of the relief

requested and specific reference to the statutory provision or other authority under which relief is requested." The applicant's pleading is deficient in that it fails to comply with these Commission rules.

The Commission directs GTE to file its pleading in compliance with the Commission rules cited above and requests that GTE set forth its authority which would allow the Commission to accept a filing of an adopted interconnection agreement only for filing.

**IT IS THEREFORE ORDERED:**

1. That GTE Midwest Incorporated and GTE Arkansas Incorporated shall file with the Commission pleadings in compliance with Commission rules including those referenced above no later than 4 p.m. on June 19, 2000.

2. That GTE Midwest Incorporated and GTE Arkansas Incorporated shall file with the Commission pleadings which provide explanation and authority to the Commission permitting the Commission to accept filing of an adopted interconnection agreement without issuing approval no later than 4 p.m. on June 19, 2000.

3. That this order shall become effective on June 12, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Shelly A. Register, 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 2nd day of June, 2000.

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JUN 02 2000

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION