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

In the Matter of the Application of New Edge    )  
Network, Inc., d/b/a New Edge Networks for    ) Case No. TO-2000-744  
Approval of Interconnection Agreement Under    )  
the Telecommunications Act of 1996.            )

**ORDER DIRECTING NOTICE AND MAKING**  
**SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY**

On May 5, 2000, New Edge Network, Inc., doing business as New Edge Networks (New Edge), filed an application with the Commission for approval of an interconnection agreement with SBC Communications, Inc., and executed pursuant to Section 252(e) of the federal Telecommunications Act of 1996 (the Act). SBC Communications, Inc., acts as an agent for various incumbent local exchange carriers (ILEC) in several states, including Southwestern Bell Telephone Company (Southwestern Bell) a Missouri Corporation. The applicant states that there are no outstanding issues between New Edge and Southwestern Bell that require the assistance of mediation or arbitration. The applicant further states that the agreement complies with Section 252(e) of the Act in that it does not discriminate against any telecommunication carriers and is consistent with the public interest. The applicant requests expeditious approval of the agreement.

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. Section 252(e).

Although Southwestern Bell is a party to the agreement, it did not join in the application. The Commission will make Southwestern Bell a party to this case.

The Commission finds that proper persons should be allowed 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 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 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 June 2, 2000 with:

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

and send copies to:

Mark W. Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 301  
Post Office Box 537  
Jefferson City, Missouri 65102-0537

Paul G. Lane  
Leo J. Bub  
Anthony K. Conroy  
Katherine C. Swaller  
Southwestern Bell Telephone Company  
One Bell Center, Room 3536  
St. Louis, Missouri 63101-1976

and:

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

3. That Southwestern Bell Telephone Company is made a party to this case.

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 July 14, 2000.

5. That this order shall become effective on May 23, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 12th day of May, 2000.