

6/11/99

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 2nd
day of February, 1999.

In the Matter of the Application of GTE Midwest)
Incorporated and GTE Arkansas Incorporated for)
Approval of Interconnection Agreement With) Case No. TO-99-185
Navigator Telecommunications, LLC Pursuant to)
Section 252(e) of the Telecommunications Act of)
1996.)

ORDER OF CLARIFICATION AND DIRECTING FILING

On January 14, 1999, the Commission issued an Order Approving Resale Agreement which approved the interconnection agreement between GTE Midwest Incorporated and GTE Arkansas Incorporated (collectively referred to as GTE) and Navigator Telecommunications, LLC (Navigator). Prior to the order being issued, the Staff of the Missouri Public Service Commission (Staff) filed a memorandum in the case which included a recommendation that the Commission require GTE and Navigator to file an amendment to the agreement containing certain "snap-back" language which has appeared in other agreements approved by the Commission. The order recited Staff's recommendation but did not expressly adopt or reject that recommendation. On January 15, 1999, the Staff filed a Motion for Clarification regarding the "snap-back" recommendation.

Staff has recommended that similar language be included in other interconnection agreements as a condition of approval of those agreements. In many of these instances the Commission has ordered that

the "snap-back" language should be included. In other instances, the companies have filed agreements which contain the "snap-back" language without an order from the Commission requiring it. The Commission previously addressed the issue of requiring the "snap-back" provision in its Order Granting Motion to Modify in Case No. TO-98-582. While the Commission prefers that the end-users be fully informed by a notice from the incumbent local exchange carrier that customers have been switched, the Commission recognizes that this requirement is better suited for rulemaking rather than on an individual order basis. Therefore, the Commission did not, in this case, order the parties to supplement their agreement to include the "snap-back" language.

The parties were directed to file a copy of their interconnection agreement in compliance with the Commission's previous order, and are directed to do so within 10 days or to show cause why they should not be subject to penalties under Sections 386.570 and 392.360, RSMo 1994, for failure to comply with the Commission's order.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission's Motion for Clarification is granted as set out above.

2. That the parties shall file a copy of the resale agreement with the pages numbered seriatim in the lower right-hand corner no later than March 12, 1999.

3. That this order shall become effective on March 2, 1999.

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)

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

Dippell, Senior Regulatory Law Judge

RECEIVED

MAR 02 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION