

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 16th
day of November, 1999.

In the Matter of the Application of)
SBC Advanced Solutions, Inc. for a)
Certificate of Authority to Provide)
Advanced Telecommunications within the)
State of Missouri.)
Case No. TA-2000-260

ORDER DENYING APPLICATION TO INTERVENE

On November 9, 1999, MCI metro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc., and MCI WorldCom Communications, Inc. (collectively referred to as Intervenor) filed an application to intervene in case number TA-2000-260. The application to intervene recognizes that the Commission established an intervention deadline of October 27. However, the Intervenor seek leave to late-file their request for intervention.

Case number TA-2000-260 refers to an application by SBC Advanced Solutions, Inc. (Advanced Solutions) on September 30, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri. The Commission issued a Notice of Applications and Opportunity to Intervene on October 12. That initial notice incorrectly indicated that it was issued on October 5 and indicated a intervention deadline of October 20. The issue date and the intervention deadline were corrected in the Notice

of Applications that was issued on October 19, the next week. The corrected notice required that parties wishing to intervene do so no later than October 27.

No applications to intervene were received on or before October 27, and on November 5, the Staff of the Commission filed a memorandum recommending that the Commission grant Advanced Solutions the certificates for which it had applied. On November 8, the Commission issued an Order Approving Interexchange and Non-Switched Local Exchange Certificate of Service Authority. The order also indicated that the certificates of service authority would become effective only upon the filing, approval and effective date of Advanced Solutions' tariffs.

The Intervenor's application to intervene was not timely filed. Not only was it filed after the deadline established by the Commission, it was filed after the Commission had already acted upon Advanced Solutions' application. 4 CSR 240-2.075(4)(D) provides that "[a]pplications to intervene filed after the intervention date set by the commission may be granted upon a showing of good cause". The only excuse offered by the Intervenor for their failure to request intervention in a timely fashion is that they were unaware of the deadline "due to personnel absence". Furthermore, the Intervenor do not even claim that Advanced Solutions' application for certificates of service authority would in any particular way be harmful to their interests or those of the general public. Instead, they merely assert that they seek a "full exploration of the issues raised by this very unique application." None of the assertions of the Intervenor would justify the Commission in

setting aside its approval of Advanced Solutions' application in order to permit the Intervenor to take part in this case.

Their application to intervene was not timely filed and the Intervenor has failed to show good cause to permit their intervention. The application to intervene will be denied.

IT IS THEREFORE ORDERED:

1. That MCImetro Access Transmission Services, LLC's, Brooks Fiber Communications of Missouri, Inc.'s, and MCI WorldCom Communications, Inc.'s Application to Intervene is denied.

2. That this order shall become effective on November 30, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION