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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Missouri RSA No. 7 Limited)
Partnership d/b/a Mid-Missouri Cellular's)
Petition for Arbitration Pursuant to 47 U.S.C.) Case No. TO-99-279
Section 252 to Establish an Interconnection)
Agreement with Southwestern Bell Telephone)
Company.)

ORDER GRANTING LEAVE TO FILE INTERCONNECTION
AGREEMENT OUT OF TIME, DIRECTING NOTICE AND
DIRECTING STAFF REPORT

On April 8, 1999, this Commission issued its Arbitration Order in this case. That order required the parties to file a conforming interconnection agreement within twenty days of the effective date thereof, that is, on or before May 4, 1999. The parties filed their agreement on May 6, 1999, and simultaneously moved for leave to file it out-of-time. That leave shall be granted.

As contemplated by the Telecommunications Act of 1996 (the Act), the parties hereto have submitted their interconnection agreement to the Commission for approval. 47 U.S.C. § 252(e)(1). 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)(2).

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 resale 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.

Likewise, the Commission shall direct the Staff of the Public Service Commission to review the parties' proposed interconnection agreement and report to the Commission as to whether or not it should be approved.

IT IS THEREFORE ORDERED:

1. That the interconnection agreement submitted by the parties herein on May 6, 1999, is accepted for filing as of that date in

satisfaction of the Arbitration Order issued by this Commission on April 8, 1999.

2. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than June 8, 1999 with:

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

and send copies to:

W.R. England, III, Esq.
Brydon, Swearingen & England, P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102-0456

Leo J. Bub, Esq.
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, Missouri 63101

and:

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

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 June 18, 1999.

5. That this order shall become effective on June 2, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
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 19th day of May, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION