

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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| In the Matter of the Application of MGC |) | |
| Communications, Inc. d/b/a Mpower |) | |
| Communications Corp. for Approval of an |) | <u>Case No. TO-2000-790</u> |
| Interconnection Agreement under the |) | |
| Telecommunications Act of 1996 |) | |

ORDER DIRECTING NOTICE AND MAKING SOUTHWESTERN BELL TELEPHONE COMPANY A PARTY

On May 30, 2000, MGC Communications, Inc. d/b/a Mpower Communications Corp. (MGC) filed an Application with the Missouri Public Service Commission (Commission) for the approval of an interconnection agreement (the agreement) with Southwestern Bell Telephone Company (SWBT) under the provisions of Section 252(e) of the federal Telecommunications Act of 1996 (the Act). MGC states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

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). MGC requests expeditious approval of the agreement.

Although SWBT is a party to the agreement, it did not join in the application. Because SWBT is a necessary party to a full and fair adjudication, the Commission will make SWBT a party.

The Commission finds that proper persons should be allowed twenty (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 ninety (90) days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed 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 Missouri Public Service 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 shall file an application no later than June 26, 2000 with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

and send copies to:

Mark P. Johnson, Esq.
Lisa C. Creighton, Esq.
Sonnenschein Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, Missouri 64111

Legal Department
Southwestern Bell Telephone Company
One Bell Center
Saint Louis, Missouri 63101

and:

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

3. That the Staff of the Missouri Public Service Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than 3:00 p.m., July 20, 2000.

4. That Southwestern Bell Telephone Company is made a party.

5. That this order shall become effective on June 15, 2000.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

Bill Hopkins, Senior 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 5th day of June, 2000.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION