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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Joint Application of)
Southwestern Bell Telephone Company and NEXTLINK)
MISSOURI, INC., for Approval of Resale Agreement) Case No. TO-99-270
Under the Telecommunications Act of 1996.)

ORDER AND NOTICE

Southwestern Bell Telephone Company (SWBT) and NEXTLINK MISSOURI, INC. (NEXTLINK) (jointly referred to as Applicants) filed a joint application with the Commission on December 11, 1998 for approval of an interconnection agreement under the provisions of the Federal Telecommunications Act of 1996 (the Act). Applicants state 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).

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 January 11, 1999 with:

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

and send copies to:

Katherine Swaller
Attorney for Southwestern Bell
Telephone Company
One Bell Center, Room 3520
St. Louis, Missouri 63101

and:

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

and to:

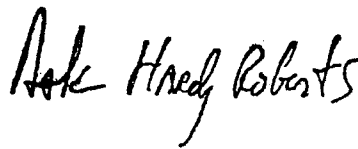
Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

3. 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 February 18, 1999.

4. That this order shall become effective on December 22, 1998.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Anji Gandhi, 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 22nd day of December, 1998.

RECEIVED

DEC 22 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION