

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of GTE)
Midwest Incorporated and GTE Arkansas)
Incorporated for Approval of an Inter-) Case No. TO-2000-722
Connection Agreement with Snappy Phone of)
Texas, Inc. Pursuant to Section 252(e) of)
the Telecommunications Act of 1996)

ORDER DIRECTING NOTICE AND MAKING
SNAPPY PHONE OF TEXAS, INC. A PARTY

On May 2, 2000, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed an application with the Commission for approval of an interconnection agreement (the Agreement) with Snappy Phone of Texas, Inc. (Snappy) under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicants state 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 applicants request expeditious approval of the Agreement.

Although Snappy is a party to the Agreement, it did not join in the application. Because Snappy is a necessary party to a full and fair adjudication of this matter, the Commission will add Snappy as a party to this case.

The Act provides that an interconnection or resale 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 Snappy Phone of Texas, Inc. is made a party to this case.

3. That any entity wishing to request a hearing or to participate without intervention in this matter shall file an application no later than June 21, 2000 with:

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

and send copies to:

Tracy D. Pagliara
601 Monroe Street, Suite 304
Jefferson City, Missouri 65101-3202

R. Daniel Hyde, Jr.
Snappy Phone of Texas, Inc.
6901 West 70th
Shreveport, Louisiana 71149

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 3:00 p.m. on August 11, 2000.

5. That this order shall become effective on June 9, 2000.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 30th day of May, 2000.

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MAY 30 2000

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION