

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Reitz)
Rentals, Inc., d/b/a SouthWest TeleConnect,)
for a Certificate of Authority to Provide)
Basic Local Telecommunications Service in) Case No. TA-2000-396
Missouri, and for Competitive Classification)
and for Waiver of Statutory Provisions and)
Rules.)

ORDER GRANTING INTERVENTION
AND DIRECTING FILING

Reitz Rentals, Inc., d/b/a SouthWest TeleConnect (SouthWest), applied to the Commission on December 29, 1999, for a certificate of service authority to provide competitive basic local telecommunications service in the state of Missouri pursuant to Sections 392.430, 392.440, RSMo 1994, and 392.450 and 392.451, RSMo Supp. 1999. SouthWest requested competitive classification and an order waiving certain Commission rules and statutory provisions pursuant to the federal Telecommunications Act of 1996. SouthWest seeks to provide its services throughout all exchanges currently served by the incumbent local exchange telecommunications companies of Southwestern Bell Telephone Company (SWBT), Sprint/United Telephone Company (Sprint), and GTE Midwest, Inc. (GTE).

The Commission issued a notice and schedule of applicants on January 4, 2000, directing interested parties wishing to intervene to do so by February 3, 2000. SWBT filed a timely application to intervene on January 10, 2000. No one else sought to intervene. SWBT states that it

is a Missouri corporation duly authorized to conduct business in Missouri. SWBT states that it is a "local exchange telecommunications company" and a "public utility," as each of those phrases is defined in Section 386.020, RSMo Supp. 1999, and is authorized to provide telecommunications services in Missouri. SWBT states that SouthWest's basic local and local telecommunications services will be offered in direct competition with SWBT if SouthWest's application is granted. SWBT also states that it has a direct interest in the Commission's decision on SouthWest's application and that intervention is necessary to protect SWBT's interests. SWBT further states that its interests as a provider of basic local exchange telecommunications service differ from those of the general public so that no other party can adequately protect SWBT's interest. SWBT also asserts that its intervention is in the public interest because SWBT will bring its extensive expertise and experience as a telecommunications provider.

The Commission has reviewed the application of SWBT and finds that it is in substantial compliance with Commission rules regarding intervention (i.e., 4 CSR 240-2.075¹) and that SWBT has an interest in this matter that is different from that of the general public. The Commission concludes that this request for intervention should be granted.

The parties shall file a proposed procedural schedule. The procedural schedule must include dates for the filing of testimony and for

¹ This rule was not cited by SWBT. 4 CSR 240-2.060(1)(D) states in part that all applications shall include "[r]eference to the . . . authority under which relief is requested."

a hearing. In lieu of filing a procedural schedule the parties may file a Stipulation and Agreement. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).
2. That the parties shall file a proposed procedural schedule no later than April 14, 2000. In lieu of a proposed procedural schedule the parties may file a Stipulation and Agreement.
3. That this order shall become effective on March 28, 2000.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Keith Thornburg, 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 15th day of March, 2000.

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

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