BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Joint Application of)
Spectra Communications Group, LLC and Mark)
Twain Communications Company for Approval) Case No. TO-2000-523
of an Interconnection and Rebundling)
Agreement under the Telecommunications Act)
of 1996.)

ORDER AND NOTICE

On February 24, 2000, Spectra Communications Group, LLC (Spectra) and Mark Twain Communications Company (Mark Twain) filed a joint application for approval of an interconnection and unbundling agreement under the provisions of the federal Telecommunications Act of 1996 (the Act). The joint 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 joint applicants request expeditious approval of the agreement.

The joint application states that Spectra and GTE Midwest Incorporated (GTE) have requested authority for the sale and transfer of certain Missouri GTE exchanges in Case No. TM-2000-182, currently pending before the Commission. The joint application also states that Spectra has requested it be granted certificates of service authority to provide telecommunications services in the Missouri exchanges of Ewing, Lewistown and LaBelle, the GTE exchanges which Spectra and GTE have requested be transferred to Spectra.

The joint application states that Mark Twain was certificated by the Commission as a competitive local exchange company (CLEC) in Case No. TA-98-305. The joint application also states that Mark Twain currently provides basic local telecommunications services in the exchanges of Ewing, Lewistown and LaBelle under an interconnection and unbundling agreement with GTE which was approved by the Commission in Case No. TO-98-410. The joint applicants states that they have negotiated this agreement which they now submit to the Commission for approval, contingent upon the Commission's granting its approval for the sale and transfer of GTE's Ewing, Lewistown and LaBelle exchanges. The joint applicants also request that this interconnection agreement become effective upon the dates Spectra assumes ownership of these three exchanges.

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 March 27, 2000 with:

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

and send copies to:

Sondra B. Morgan, Esq. Brydon, Swearengen & England, P.C. 312 East Capitol Avenue Post Office Box 456 Jefferson City, Missouri 65102 Craig S. Johnson, Esq.
Andereck, Evans, Milne, Peace and Johnson, L.L.C.
305 East McCarty Street, 3rd Floor
Hawthorn Center
Post Office Box 1438
Jefferson City, Missouri 65102

and:

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 May 4, 2000.
 - 4. That this order shall become effective on March 17, 2000.

BY THE COMMISSION

Hole Hoed Roberts

Dale.Hardy.Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

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 7th day of March, 2000.