BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Joint Application for Approval of Resale Agreement Between Southwestern Bell Telephone Company and Quintelco, Inc. Under the Telecommunications Act of 1996.	)))))	Case No. TO-98-240

ORDER AND NOTICE

Southwestern Bell Telephone Company (SWBT) and Quintelco, Inc. (Quintelco) filed an Application with the Commission on December 15, 1997, for approval of a Resale Agreement between SWBT and Quintelco under the provisions of the Federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues, that the agreement complies with Section 252(e) of the Act, is not discriminatory and is consistent with the public interest. The applicants request expeditious approval of the agreement without change, suspension, or other delay in its implementation.

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). Therefore, if no party requests a hearing, the Commission may grant the relief requested based on the verified application.

The standards for approval are as follows:

> **§252(e) APPROVAL BY STATE COMMISSION**
>
> **(1) APPROVAL REQUIRED.—** Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
>
> **(2) GROUNDS FOR REJECTION.—** The State commission may only reject—
>
> > **(A)** an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that --
> >
> > > **(i)** the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
> > >
> > > **(ii)** the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . . .

Section 252(e)(4) provides that if the Commission has not approved an agreement within ninety 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 5, 1998, with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

Anthony K. Conroy, Attorney
Southwestern Bell Telephone Company
100 North Tucker Boulevard, Room 630
St. Louis, Missouri 63101-1976

William E. Buckley
Gallop, Johnson & Neuman
101 South Hanley Road, 16th Floor
Clayton, Missouri 63105

3. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than February 11, 1998.

4. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefore no later than February 20, 1998.

5. That this order shall become effective on December 16, 1997.

BY THE COMMISSION

(S E A L)

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

L. Anne Wickliffe, Deputy Chief
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 16th day of December, 1997.