

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
January 27, 2000**

**CASE NO: TO-2000-423**

**Office of the Public Counsel**  
P.O. Box 7800  
Jefferson City, MO 65102

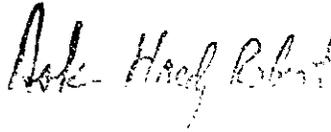
**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Roy Harsila**  
Comm South Companies, Inc.  
6830 Walling Lane  
Dallas, TX 75231

**Tracy Pagliara**  
GTE  
601 Monroe Street, Suite 304  
Jefferson City, MO 65101

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



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

**Uncertified Copies:**

**To all interexchange and local exchange telecommunications companies.**

**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 Interconnection ) Case No. TO-2000-423  
Agreement with Comm South Companies, Inc., )  
Pursuant to Section 252(e) of the )  
Telecommunications Act of 1996. )

**ORDER DIRECTING NOTICE AND MAKING**  
**COMM SOUTH COMPANIES, INC. A PARTY**

On January 14, 2000, GTE Midwest Incorporated and GTE Arkansas Incorporated filed an application with the Commission for approval of an interconnection agreement (the Agreement) with Comm South Companies, Inc. (Comm South) under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicant states 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 applicant requests expeditious approval of the Agreement.

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

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than February 16, 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

Roy Harsila  
Comm South Companies, Inc.  
6830 Walling Lane  
Dallas, Texas 75231

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 March 24, 2000.

5. That this order shall become effective on February 7, 2000.

**BY THE COMMISSION**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

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

(S E A L)

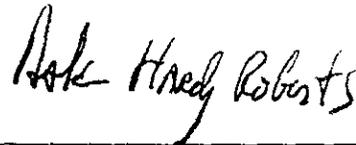
Shelly A. Register, Regulatory Law  
Judge, by delegation of authority  
pursuant to 4 CSR 240-2.120(1),  
(November 30, 1995) and Section 386.240,  
RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 27th day of January, 2000.

**STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 27<sup>TH</sup> day of January 2000.



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

