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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Interconnection Agreement of)
GTE Midwest Incorporated and GTE Arkansas)
Incorporated and Ameritech Mobile Communications,) **Case No. TO-98-163**
Inc. on behalf of Cybertel Cellular Telephone)
Company and Cybertel RSA Cellular Ltd. Partnership)
d/b/a Ameritech Cellular Services.)
)

ORDER AND NOTICE

On October 15, 1997, GTE Midwest Incorporated (GTE Midwest), GTE Arkansas Incorporated (GTE Arkansas) and Ameritech Mobile Communications, Inc. (Ameritech) (acting on behalf of Cybertel Cellular Telephone Company (CCTC) and Cybertel RSA Cellular Ltd. Partnership d/b/a Ameritech Cellular Services (ACS)), filed an Application with the Commission for approval of an interconnection agreement between GTE Midwest, GTE Arkansas and ACS 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.

Additionally, the Commission finds that the Agreement will require substantial business operations in Missouri by the interconnecting companies. The Commission finds that it may take official notice of GTE Midwest's authorization to do business in Missouri. However, no documentation proving authorization to do business in Missouri was submitted by GTE Arkansas Incorporated, Ameritech Mobile Communications, Inc., Cybertel Cellular Telephone Company or Cybertel RSA Cellular Ltd. Partnership d/b/a Ameritech Cellular Services. Section 351.572 RSMo requires foreign corporations to obtain a certificate of authority from the secretary of state before commencing business operations in Missouri. The Commission finds that there is insufficient information to determine whether GTE Arkansas Incorporated, Ameritech Mobile Communications, Inc., Cybertel Cellular Telephone Company and Cybertel RSA Cellular Ltd. Partnership d/b/a Ameritech Cellular Services are lawfully operating in Missouri and will require the companies to file with the Commission appropriate documentation showing authorization by the Missouri Secretary of State to conduct business in Missouri.

IT IS THEREFORE ORDERED:

1. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than November 10, 1997, with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and send copies to:

James C. Stroo, Esq.
GTE Midwest Incorporated
GTE Arkansas Incorporated
1000 GTE Drive
Wentzville, Missouri 63385

James F. Mauzé, Esq.
Thomas E. Pulliam, Esq.
Ottsen, Mauzé, Leggat & Belz, L.C.
112 South Hanley
St. Louis, Missouri 63105-3418

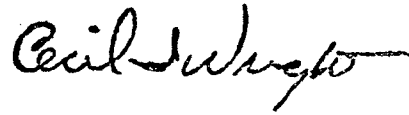
2. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than December 15, 1997.

3. 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 December 23, 1997.

4. That the parties shall file a supplemental pleading no later than October 31, 1997 containing appropriate documentation showing that GTE Arkansas Incorporated, Ameritech Mobile Communications, Inc., Cybertel Cellular Telephone Company and Cybertel RSA Cellular Ltd. Partnership d/b/a Ameritech Cellular Services are authorized to do business in the State of Missouri. Further, the supplemental pleading shall clearly identify the relationship between Ameritech Mobile Communications, Inc., Cybertel Cellular Telephone Company and Cybertel RSA Cellular Ltd. Partnership d/b/a Ameritech Cellular Services and specify what role, if any, Cybertel Cellular Telephone Company has in the interconnection agreement.

5. That this order shall become effective on October 21, 1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

**Cecil I. Wright
Executive Secretary**

(S E A L)

Kevin F. Hennessey, 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 21st day of October, 1997.