

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 20, 2002**

CASE NO: TO-2002-385

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

**Lisa Creighton Hendricks
Sprint
5454 W. 110th Street
Overland Park, KS 66211**

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

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 certified to do business in the state of Missouri.

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

In the Matter of the Commercial Mobile Radio Services)
(CMRS) Interconnection Agreement Between Sprint)
Missouri, Inc., d/b/a Sprint, and Dobson Cellular Systems,)
Inc., Sygnet Communications, Inc., and American)
Cellular Corporation.)

Case No. TO-2002-385

**ORDER DIRECTING NOTICE AND MAKING DOBSON CELLULAR
SYSTEMS, INC., SYGNET COMMUNICATIONS, INC., AND AMERICAN
CELLULAR CORPORATION PARTIES**

This order provides notice of this application to interested parties and joins the other parties to the interconnection agreement, Dobson Cellular Systems, Inc., Sygnet Communications, Inc., and American Cellular Corporation, as parties to this proceeding.

On February 19, 2002, Sprint Missouri, Inc., d/b/a Sprint, filed an application with the Commission for approval of a Commercial Mobile Radio Services (CMRS) interconnection agreement with Dobson, Sygnet, and American Cellular under the provisions of the federal Telecommunications Act of 1996 (the Act). Sprint states 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. Sprint requests expeditious approval of the agreement.

Although Dobson, Sygnet, and American Cellular are parties to the agreement, they did not join in the application. Because they are necessary parties to a full and fair adjudication of this matter, the Commission will add Dobson, Sygnet, and American Cellular as parties 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.¹

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing. 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.²

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 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 Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. That Dobson Cellular Systems, Inc., Sygnet Communications, Inc., and American Cellular Corporation are made parties to this case.
3. That any party wishing to request a hearing shall do so by filing a pleading no later than March 12, 2002, with:

¹ 47 U.S.C. § 252(e).

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2D 494, 496 (Mo. App. 1989).

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

and send copies to:

Lisa Creighton Hendricks, Esq.
Sprint Missouri, Inc., d/b/a Sprint
5454 West 110th Street
Overland Park, Kansas 66211

Ron Ripley, Esq.
Vice President and Senior Corporate Counsel
Dobson Cellular
14201 Wireless Way
Oklahoma City, Oklahoma 73134-2152

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 March 22, 2002.

5. That this order shall become effective on March 2, 2002.

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, stylized initial "D".

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

(SEAL)

Vicky Ruth, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of February, 2002.

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 20th day of Feb. 2002 .

Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

