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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 10th day of February, 1999.

In the Matter of the Joint Application of Advanced Communications Group, Inc. and Southwestern Bell Telephone Company for Approval of Their Interconnection Agreement Under the 47 U.S.C. §§ 252(a)(1) and (i).	))))))	**Case No. TO-99-291**

ORDER APPROVING INTERCONNECTION AGREEMENT

Advanced Communications Group, Inc. (ACG) and Southwestern Bell Telephone Company (SWBT) filed a joint application with the Commission on January 4, 1999, requesting approval of a resale agreement (Agreement) between ACG and SWBT under the provisions of the Federal Telecommunications Act of 1996 (the Act). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996 (the Act). *See* 47 U.S.C. § 251, *et seq.* As with prior interconnection agreements, this Agreement describes the interconnection facilities and methods with which the parties may interconnect their networks for the transmission and routing of traffic. The parties stated that there are no unresolved issues, the Agreement is in compliance with Section 252(e) of the Act and with Missouri Statute, § 392.180 et seq., RSMo (Cum. Supp. 1997), is not discriminatory, and is consistent with the public interest. The applicants requested expeditious approval of the Agreement.

On January 7, the Commission issued its Order and Notice regarding this application notifying any interested parties of the January 27 deadline date for filing a request for a hearing or to participate without intervention. No comments or requests for hearing were filed. The Staff of the Commission (Staff) filed a memorandum on January 29, 1999, recommending that the Agreement be approved.

The requirement for a hearing is met when the opportunity for hearing 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). Since no one has requested a hearing or to participate without intervention in this case, the Commission may grant the relief requested based on the verified application.

The Commission, under the provisions of Section 252(e) of the Act, has authority to approve an interconnection agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunication carriers. The Commission may reject an interconnection agreement only if the agreement is discriminatory or is inconsistent with the public interest, convenience and necessity.

Staff stated in its recommendation that the Agreement between ACG and SWBT was executed on December 4, 1998. The initial term of the contract will extend until November 11, 2000 with two one-year extensions of service as established in the Agreement. The effective date of this Agreement shall be upon the effective date as defined by the Commission.

The Staff stated in its recommendation that the Agreement meets the limited requirements of the Act in that it does not appear to be discriminatory toward nonparties, and does not appear to be against the public interest. Staff recommended approval of the Agreement provided that all modifications to the Agreement are submitted to the Commission for approval. This condition has been applied in prior cases where the Commission has approved similar agreements.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. The Commission finds that the Agreement is neither discriminatory nor inconsistent with the public interest and should be approved. The Commission finds that approval of the Agreement should be conditioned upon the parties submitting any modifications or amendments to the Commission for approval pursuant to the procedure set out below.

Modification Procedure

This Commission's first duty is to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act. 47 U.S.C. § 252. In order for the Commission's role of review and approval to be effective, the Commission must also review and approve modifications to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection. 47 U.S.C. § 252(h). This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission. 4 CSR 240-30.010.

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

The parties shall provide the Telecommunications Staff with a copy of the resale or interconnection agreement with the pages numbered consecutively in the lower right-hand corner. Modifications to an agreement must be submitted to the Staff for review. When approved the modified pages will be substituted in the agreement which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the Agreement. The official record of the original agreement and all the modifications made will be maintained by the Telecommunications Staff in the Commission's tariff room.

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the modification will be approved once Staff has verified that the provision is an approved provision, and prepared a recommendation advising approval. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the

Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

IT IS THEREFORE ORDERED:

1. That the application for approval of the interconnection agreement between Advanced Communications Group, Inc. and Southwestern Bell Telephone Company filed on January 4, 1999, is approved.

2. That Advanced Communications Group, Inc. and Southwestern Bell Telephone Company shall file a copy of the interconnection agreement with the Staff of the Missouri Public Service Commission, with the pages numbered seriatim in the lower right-hand corner no later than February 20, 1999. The parties shall file on the same date a notice in the official case file advising the Commission that the Agreement has been submitted to Staff as required.

3. That any changes or modifications to this Agreement shall be filed with the Commission for approval pursuant to the procedure outlined in this order.

4. That this order shall become effective on February 23, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Register, Regulatory Law Judge