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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Adoption of the)
GTE/MAX-TEL Communications, Inc.)
Interconnection Agreement by BarTel) Case No. TO-99-590
Communications, Inc., Pursuant to)
Section 252(i) of the)
Telecommunications Act of 1996)

ORDER DIRECTING NOTICE
AND MAKING BARTEL COMMUNICATIONS, INC., A PARTY

On June 9, 1999, GTE Midwest Incorporated and GTE Arkansas Incorporated (GTE) filed a document entitled Adoption of Interconnection Agreement. By this document GTE informs the Commission that BarTel Communications, Inc., has adopted the terms of the interconnection agreement between GTE and Max-Tel approved by the Missouri Public Service Commission in Case No. TO-98-581. The document indicates that the terms of the Max-Tel interconnection agreement are adopted by BarTel and will apply to BarTel and GTE pursuant to Section 252(i) of the Federal Telecommunications Act of 1996.

Although the document filed by GTE does not ask the Commission to approve the interconnection agreement between BarTel and GTE, consistent with prior decisions of the Commission (see Order Denying Motion to Reject and Approving Interconnection Agreement, Case No. TO-99-93), the Commission will treat the document filed by GTE as an application for approval of the interconnection agreement between BarTel and GTE.

The Telecommunications Act of 1996 provides that an interconnection 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. Section 252(e).

Although BarTel is a party to the agreement, it did not join in the application. The Commission will make BarTel a party to this case.

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 any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than July 6, 1999 with:

Secretary of the Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Tracy D. Pagliara
GTE Midwest Incorporated
GTE Arkansas Incorporated
601 Monroe Street, Suite 304
Jefferson City, Missouri 65101-3203

Bart Lovett
BarTel Communications, Inc.
5223 Delmar
St. Louis, Missouri 63108

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

3. That BarTel Communications, Inc., is made a party to this case.

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 August 6, 1999.

5. That this order shall become effective on June 28, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 June, 1999.

RECEIVED

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION