

WP

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Navigator)
Telecommunications, LLC., to Amend Its Certifi-)
cate of Service Authority to Provide Basic) Case No. TA-2000-243
Local and Local Exchange Telecommunications)
Service in portions of the State of Missouri.)

ORDER GRANTING INTERVENTION
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

Navigator Telecommunications, LLC (Navigator), applied to the Commission on September 28, 1999, to amend its certificate of service authority to provide basic local telecommunications services in the State of Missouri (the application filed on September 28, 1999, was verified; an earlier application filed on September 21, 1999, was not verified). Navigator was granted a certificate of service authority in Case No. TA-98-383 and is certified to provide basic local exchange services in the portions of Missouri served by Southwestern Bell Telephone Company (SWBT). Navigator seeks to amend this certificate to allow the provision of basic local exchange and local exchange telecommunications service on a facilities and resold basis throughout all exchanges currently served by the incumbent local exchange telecommunications companies of SWBT, Sprint/United Telephone Company (Sprint), and GTE Midwest, Inc. (GTE).

The Commission issued a notice and schedule of applicants on September 28, 1999, directing interested parties wishing to intervene to do so by October 28, 1999.

Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene on October 25, 1999. No one else sought to intervene. SWBT states that it is a Missouri corporation duly authorized to conduct business in Missouri. SWBT states that it is a "local exchange telecommunications company" and a "public utility," as each of those phrases is defined in Section 386.020, RSMo Supp. 1998, and is authorized to provide telecommunications services in Missouri. SWBT states that Navigator's basic local telecommunications services will be offered in direct competition with SWBT if Navigator's application is granted. SWBT also states that it has a direct interest in the Commission's decision on Navigator's application, but that SWBT does not have sufficient information either to support or oppose Navigator's application. SWBT further states that its interests as a provider of basic local exchange telecommunications service differ from those of the general public so that no other party can adequately protect SWBT's interest. SWBT asserts that its intervention is in the public interest because SWBT will bring its extensive expertise and experience as a telecommunications provider.

The Commission has reviewed the application of SWBT and finds that it is in substantial compliance with Commission rules regarding

intervention (i.e., 4 CSR 240 2.075¹) and that SWBT has an interest in this matter that is different from that of the general public. The Commission concludes that this request for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That the parties shall file a proposed procedural schedule no later than November 30, 1999. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement.

¹ This rule was not cited by SWBT. 4 CSR 240-2.060(1)(D) states in part that all applications shall include "[r]eference to the . . . authority under which relief is requested."

3. That this order shall become effective on November 19, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 9th day of November, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION