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

In the Matter of the Application of 2nd Century )  
Communications, Inc. for a Certificate of )  
Service Authority to Provide Basic Local ) Case No. TA-2000-323  
Telecommunications Services in the State of )  
Missouri and to Classify Such Services and the )  
Company as Competitive )

**ORDER GRANTING INTERVENTION**  
**AND DIRECTING FILING OF PROCEDURAL SCHEDULE**

2nd Century Communications, Inc. (2nd Century) applied to the Missouri Public Service Commission (Commission) on November 9, 1999, for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri under Sections 392.420 - .440, RSMo 1994<sup>1</sup>, and Sections 392.410 and .450, RSMo Supp. 1999. 2nd Century asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. 2nd Century is a Delaware corporation with principal offices located at 7702 Woodland Center, Tampa, Florida 33614.

The Commission issued a notice and schedule of applicants on November 16, 1999, directing interested parties wishing to intervene to do so by December 16, 1999.

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<sup>1</sup> All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated. 2nd Century cited only Sections 392.420, 392.430, and 392.450, RSMo Supp. 1999. Also, the better practice would have been to cite Section 392.455, RSMo Supp. 1999.

Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene on December 3, 1999. 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, and is authorized to provide telecommunications services in Missouri. SWBT states that 2nd Century's telecommunications services will be offered in direct competition with SWBT if 2nd Century's application is granted. SWBT also states that it has a direct interest in the Commission's decision on 2nd Century's application, but that SWBT does not have sufficient information either to support or oppose 2nd Century'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 states 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., Commission Rule 4 CSR 240-2.075) 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 shall include dates for the filing of testimony and for a hearing. 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 Commission Rule 4 CSR 240-2.075(4).

2. That the parties shall file a proposed procedural schedule no later than April 24, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

3. That this order shall become effective on April 14, 2000.

**BY THE COMMISSION**



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

( S E A L )

Bill Hopkins, Senior 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 4th day of April, 2000.