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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 15th
day of June, 1999.

In the Matter of the Access Rates to be Charged)
by Competitive Local Exchange Telecommunications) Case No. TO-99-596
Companies in the State of Missouri.)

ORDER ESTABLISHING CASE
AND DIRECTING NOTICE

The Commission hereby establishes a case in order to investigate certain language appearing as a matter of standard practice in Stipulations and Agreements used with competitive local exchange telecommunications companies (CLECs), to wit:

Notwithstanding the provisions of §392.500 RSMo (1994), as a condition of certification and competitive classification, CLEC agrees that, unless otherwise ordered by the Commission, CLEC's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect at the date of certification for the large ILEC(s) within whose service areas CLEC seeks authority to provide service. [FN 3] In this case the relevant access rates are those of Southwestern Bell.

The Commission has concerns that this language may be a barrier to market entry and may be anti-competitive. Therefore, the Commission will open a case to establish a record and examine whether the use of this language is in the public interest.

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for leave to intervene or to file comments addressing whether or not the use of the

language in question is in the public interest. The Commission finds that notice of this application should be sent to all telecommunications companies in the state of Missouri.

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice to all telecommunications companies certificated to do business in the state of Missouri.

2. That any party wishing to intervene or to file comments in this matter shall file an application, or shall file their written comments, no later than [DATE + 20 DAYS], 1999, with:

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

and send copies to:

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

3. That this order shall become effective on June 25, 1999.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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

Thompson, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION