

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
July 26, 1999**

**CASE NO: TO-2000-47**

**Office of the Public Counsel**  
P.O. Box 7800  
Jefferson City, MO 65102

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Tracy D. Pagliara**  
GTE Midwest, Inc. & GTE Arkansas, Inc.  
601 Monroe Street, Suite 304  
Jefferson City, MO 65101

**Joe Froh**  
Topp Comm, Inc.  
8390 NW 25<sup>th</sup> Street  
Miami, FL 33122

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



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

**Uncertified Copy:**

**To all interexchange and local exchange telecommunications in the state of Missouri.**

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

In the Matter of the Application of GTE Midwest     )  
Incorporated and GTE Arkansas Incorporated for     )  
Approval of an Interconnection Agreement with     ) Case No. TO-2000-47  
Topp Comm, Inc., Pursuant to Section 252(e) of     )  
the Telecommunications Act of 1996.                     )

**ORDER DIRECTING NOTICE,**  
**ADDING A PARTY AND**  
**DIRECTING STAFF REPORT**

On July 14, 1999, GTE Midwest, Inc., and GTE Arkansas, Inc. (collectively GTE) filed their application with the Commission seeking approval of an interconnection agreement with Topp Comm, Inc. (Topp) under the provisions of the federal Telecommunications Act of 1996 (the Act). Although Topp is a party to the interconnection agreement, it did not join in the application. Because Topp is a necessary party to a full and fair adjudication of this matter, the Commission will add Topp as a party to this case.

The Act 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. § 252(e).

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 resale 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 of this Application to all interexchange and local exchange telecommunications companies.

2. That Topp Comm, Inc., 8390 NW 25<sup>th</sup> Street, Miami, Florida 33122, is made a party to this case.

3. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than August 16, 1999, with:

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

and send copies to:

Tracy D. Pagliara, Esq.  
GTE Midwest, Inc. & GTE Arkansas, Inc.  
601 Monroe Street, Suite 304  
Jefferson City, Missouri 65101-3202

Joe Froh  
Topp Comm, Inc.  
8390 NW 25<sup>th</sup> Street  
Miami, Florida 33122

and:

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

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 September 7, 1999.

5. That this order shall become effective on August 5, 1999.

BY THE COMMISSION



( S E A L )

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

Kevin A. Thompson, Deputy Chief  
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 26th day of July, 1999.

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

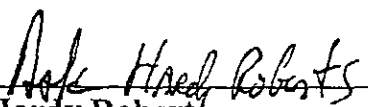
**I have compared the preceding copy with the original on file in this office and**

**I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson  
City,**

**Missouri, this 26TH day of JULY, 1999.**



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