STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY December 13, 2000

CASE NO: TO-2001-360

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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

Christopher C. Swenson/Thomas P. Berra, Jr. Lewis, Rice & Fingersh, L.C. 500 North Broadway, Suite 2000 St. Louis, MO 63102-2147 ALLTEL Communications Services Corporation One Allied Drive Little Rock, AR 72202

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

Sincerely,

Ask Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

Uncertified Copies: To all interexchange and local exchange telecommunications companies

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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In the Matter of the Application of Universal Telecom, Inc., for Approval of an Interconnection Agreement with ALLTEL Communications Service Corporation

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Case No. TO-2001-360

ORDER DIRECTING NOTICE AND MAKING ALLTEL COMMUNICATIONS SERVICE CORPORATION A PARTY

On December 11, 2000, Universal Telecom, Inc. (Universal) filed an application with the Commission for approval of an interconnection agreement with ALLTEL Communications Service Corporation (ALLTEL) under the provisions of the federal Telecommunications Act of 1996 (the Act).

Although ALLTEL is a party to the agreement, it did not join in the application. Because ALLTEL is a necessary party to a full and fair adjudication of this matter, the Commission will add ALLTEL as a party to this case.

The Act provides that an interconnection or resale 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. 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. <u>State ex rel. Rex Deffenderfer Enterprises, Inc. v.</u> 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:

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1. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.

2. That ALLTEL Communications Service Corporation is made a party to this case.

3. That any party wishing to request a hearing shall do so by filing a pleading no later than January 2, 2001 with:

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

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and send copies to:

Christopher C. Swenson Thomas P. Berra, Jr. Lewis, Rice & Fingersh, L.C. Counsel to Universal Telecom, Inc. 500 North Broadway, Suite 2000 St. Louis, Missouri 63102-2147

ALLTEL Communications Service Corporation One Allied Drive Little Rock, Arkansas 72202

and:

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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 February 19, 2001.

5. That this order shall become effective on December 23, 2000.

BY THE COMMISSION

Hake Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Morris L. Woodruff, Senior Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 13th day of December, 2000.

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 <u>13th</u> day of December 2000.

Hoke Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge



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