

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

In the Matter of the Determination of Prices of     ) **Case No. TO-2002-397**  
Certain Unbundled Network Elements.             )

**ORDER GRANTING LATE APPLICATION TO INTERVENE**

On March 14, 2002, the Commission issued an order that created this case and made the Staff of the Missouri Public Service Commission, the Office of the Public Counsel, Southwestern Bell Telephone Company, MCImetro Access Transmission Services, L.L.C., Brooks Fiber Communications of Missouri, Inc., and MCI WorldCom Communications, Inc., parties to the case without the need for intervention. The Commission directed any interested party to file an application to intervene no later than April 3, 2002. The following parties filed timely applications to intervene and were granted intervention by order issued April 10, 2002: Allegiance Telecom of Missouri, Inc., AT&T Communications of the Southwest, Inc., DIECA Communications, Inc. d/b/a Covad Communications Company, IP Communications of the Southwest, NuVox Communications of Missouri, Inc., Sprint Communications Company L.P., and XO Missouri, Inc.

On April 11, 2002, Missouri Network Alliance, L.L.C., filed a Motion for Leave to Late-File Application to Intervene. Missouri Network Alliance notes that Commission Rule 4 CSR 240-2.075(5) states that an application to intervene may be granted after the due date upon a showing of good cause. Because of an unavoidable delay in communication between counsel and the company, Missouri Network Alliance was not able to prepare and file a timely application to intervene in this proceeding. The company states that it has an

interest in this proceeding that is different from that of the general public, and notes that its business will be affected by any decision of the Commission in this proceeding regarding the pricing of unbundled network elements. Missouri Network Alliance claims that its unique position as a provider of dedicated or private-line-equivalent data services over xDSL loops to local exchange companies will assist the Commission in its determination of these issues and thus will serve the public interest. As there have not yet been any proceedings in this case and the prehearing is scheduled for May 2, 2002, the company believes that the granting of this late intervention will have no adverse effect on the proceedings and will not prejudice any party. Missouri Network Alliance is willing to accept the procedural schedule set for this case.

No objections to the company's motion for late intervention were filed, and the time for doing so has now passed.

The Commission has reviewed the late application to intervene and finds that Missouri Network Alliance is in compliance with Commission Rule 4 CSR 240-2.075(5). The prospective intervener has an interest in this matter that is different from that of the general public, and granting the proposed intervention would serve the public interest. The Commission also finds that the company has shown good cause to permit it to intervene out of time. The Commission concludes that the application for late intervention should be granted.

**IT IS THEREFORE ORDERED:**

1. That the Motion for Leave to Late-File Application to Intervene, filed by Missouri Network Alliance, L.L.C., is granted. The company's counsel shall be added to the

service list in this matter: Sondra B. Morgan, Brydon, Swearngen & England, P.C.,  
312 East Capitol Avenue, P.O. Box 456, Jefferson City, Missouri 65102-0456.

2. That this order shall become effective on May 6, 2002.

**BY THE COMMISSION**

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

( S E A L )

Vicky Ruth, Senior Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of April, 2002.