

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 18th
day of October, 1994.

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-93-224, et al.</u>
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	
)	

ORDER REJECTING APPLICATIONS FOR REHEARING

On September 9, 1994, MCI Telecommunications Corporation (MCI), AT&T Communications of the Southwest, Inc. (AT&T), and Competitive Telecommunications Association of Missouri (CompTel) filed applications for rehearing with the Commission asserting that the Commission had modified its Report And Order in this case by entering into a settlement of the appeals of the Commission's December 17, 1994, Report And Order with Southwestern Bell Telephone Company (SWB) and Office of the Public Counsel (OPC). On September 19, 1994, Missouri Cable Telecommunications Association (MCTA) filed a similar application for rehearing. All four parties assert that the settlement entered into by the Commission was not a valid settlement since not all parties to the appeals signed the settlement. All four parties contend that these applications for rehearing are the proper action to oppose the settlement.

On September 20, 1994, SWB filed a response to the applications for rehearing. In its response SWB asserts that the applications are not timely filed and the Commission no longer has jurisdiction over its decision in Case No. TC-94-224. SWB asserts that the agreement is not a modification of the

Commission's Report And Order and the agreement is not a reopening of that decision. SWB states, finally, that there is no Commission order for which an application for rehearing could be filed. On October 3, 1994, MCTA filed a motion requesting oral argument of its application or an immediate order.

The Commission has reviewed the applications of MCI, AT&T, CompTel and MCTA, and SWB's response, and finds that the applications should be rejected. Applications for rehearing of the Commission Report And Order in this case had to be filed before the effective date of the Report And Order, January 1, 1994. *State ex rel. Alton R. Co. v. PSC*, 155 S.W.2d 149 (Mo. 1941). These applications are therefore out of time. The Commission finds, further, that oral argument of this matter is not necessary.

Additionally, the Commission feels that its settlement of the appeal of the Report And Order with SWB and OPC without the signatures of the other parties to those appeals does not make that settlement a modification to the Report And Order, thus starting a new time period for filing applications for rehearing. Since the Commission's Report And Order, which at the time the pleadings were filed was on appeal, and the settlement has not been filed in this case and could not be without a remand of the cases from the circuit court, there is nothing to rehear. Any opposition to the settlement of the appeals should have been dealt with at the circuit court. The Commission is of the opinion that it is without jurisdiction to consider pleadings such as those filed by MCI, AT&T, CompTel and MCTA.

IT IS THEREFORE ORDERED:

1. That the application for rehearing of MCI Telecommunications Corporation be hereby rejected.
2. That the application for rehearing of AT&T Communications of the Southwest, Inc., be hereby rejected.

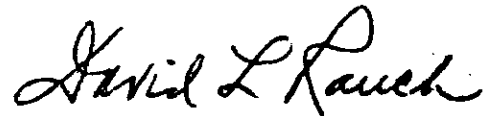
3. That the application for rehearing of Competitive Telecommunications Association of Missouri be hereby rejected.

4. That the application for rehearing of Missouri Cable Television Association be hereby rejected.

5. That the motion for oral argument or immediate order filed by Missouri Cable Television Association be hereby denied.

6. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

McClure, Perkins and
Kincheloe, CC., concur.
Mueller, Chm., absent.
Crumpton, C., absent and
not participating.